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Children and armed conflict

Report of the Secretary-General

I. Introduction

1. The present report, which covers the period from January to December 2010 (as well as some developments that have extended beyond the reporting period), is submitted pursuant to presidential statement S/PRST/2010/10 of 16 June 2010, by which the Council requested me to submit a report on the implementation of its resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005) and 1882 (2009), as well as its presidential statements on children and armed conflict.

2. Pursuant to Security Council resolutions 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005) and 1882 (2009), the report provides information on grave violations committed against children, in particular the recruitment and use of children, the killing and maiming of children, rape and other sexual violence against children, the abduction of children, attacks on schools and hospitals, and the denial of humanitarian access to children by parties to armed conflict in contravention of applicable international law[1] (see sect. IV). The report also elaborates on the progress made by parties to conflict on dialogue and action plans to halt the recruitment and use of children and the patterns of killing and maiming of children or rape and other sexual violence against children (see sect. II). It provides updates

[1] Applicable international law relating to the rights and protection of children in armed conflict include, in particular, the Geneva Conventions of 1949 and obligations applicable under the Additional Protocols thereto of 1977, the Convention on the Rights of the Child of 1989, the Optional Protocol thereto of 25 May 2000, and the amended Protocol II and Protocol V to the Convention on Prohibitions or Restriction on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, and the 2008 Convention on Cluster Munitions.

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on the release of children associated with armed forces and armed groups (see sect. III), and describes progress made by the United Nations system in implementing specific requests of the Security Council (see sect. V). It also examines the grave violations related to attacks on schools and hospitals (see sect. VI), and outlines a series of recommendations (see sect. VII).

3. The preparation of the present report involved broad consultations within the United Nations, in particular with the Task Force on Children and Armed Conflict at Headquarters, country task forces on monitoring and reporting, peacekeeping and political missions and United Nations country teams, as well as with concerned Member States and non-governmental organizations.

4. References to reports, cases and incidents in the present report refer to information that is gathered, vetted and verified for accuracy. In situations where the ability to obtain or independently verify information received is hampered by factors such as insecurity or access restrictions, it is qualified as such. In several situations covered by this report, the deterioration in security conditions continues to hamper systematic monitoring and reporting of grave violations against children. Therefore, the information presented is indicative of the gravity of the violations committed against children, but not necessarily the scope and scale.

5. Pursuant to Security Council resolution 1612 (2005), in identifying the situations that fall within the scope of her mandate, my Special Representative for Children and Armed Conflict is guided by the criteria for determining the existence of an armed conflict found in international humanitarian law and international jurisprudence. In the performance of her mandate, my Special Representative has adopted a pragmatic and cooperative approach to this issue, with a humanitarian emphasis, aimed at ensuring a broad and effective protection for children exposed and affected by conflict in situations of concern. Reference to a situation of concern is not a legal determination and reference to a non-State party does not affect its legal status.[2]

II. Information on progress made by parties to conflict on dialogue and action plans to halt the recruitment and use of children, patterns of killing and maiming of children or rape and other forms of sexual violence against children in armed conflict

6. New action plans to address child recruitment and use, as well as to secure their release, were signed between the United Nations and the Sudan Liberation Army (SLA)/SLA/Free Will; Sudan Liberation Army/SLA/Mother Wing (Abu Gasim); and the Government of Afghanistan, respectively. Updates on progress made in the implementation of action plans signed by the Government of Nepal and the Unified Communist Party of Nepal-Maoist (UCPN-M), the Moro Islamic

[2] See, for example, common article 2 of the 1949 Geneva Conventions, article 1 of Additional Protocol II of 1977 thereto; International Committee of the Red Cross, J. Pictet (ed.), *Commentary on the Geneva Conventions of 1949* (1958); and *Prosecutor v. Dusko Tadic*, Case No. IT-94, International Criminal Tribunal for the Former Yugoslavia Appeals Chamber (2 October 1995).

Liberation Front (MILF), and the Sudan People's Liberation Army (SPLA) in 2009 and the Tamil Makkal Viduthalai Pulighal (TMVP) in 2008 are also reflected below.

Afghanistan

7. On 30 January 2011, the action plan for the prevention of underage recruitment into the Afghan National Security Forces was signed by the Minister for Foreign Affairs, Zalmai Rassoul, and my Special Representative for Afghanistan, and witnessed by my Special Representative for Children and Armed Conflict. In the action plan, the Government of Afghanistan committed itself to preventing underage recruitment in the Afghan National Army, the Afghan National Police, including the Afghan Local Police, and the National Directorate of Security. In addition, the Government committed itself to addressing issues of sexual violence against children by its security forces, and of killing and maiming in contravention of international humanitarian law. My Special Representative for Children and Armed Conflict also met with high-level stakeholders and obtained commitments from the *Ulema Shura* (Council of Clerics), the High Peace Council, the International Security Assistance Force (ISAF), the North Atlantic Treaty Organization (NATO), donors and human rights actors to redouble their efforts in support of the action plan.

8. As steps towards the development of the action plan, the Ministry of Interior issued an executive order on 24 April 2010 prohibiting children from being recruited or used within ANP, requiring children found in ANP ranks to be separated within 30 days; and calling for investigations and disciplinary action against those found to be in violation of this order. The United Nations Assistance Mission in Afghanistan (UNAMA) undertook its first unannounced verification visit to the Afghan National Police recruitment and training centre in Kunduz City, Kunduz Province, in May 2010, and noted that the executive order was clearly posted on the walls of the centre, and trainers and new recruits were fully aware of its contents. Further, a Government steering committee on children and armed conflict, consisting of eight Deputy Ministers, the Director of the National Directorate of Security and the Presidential Adviser on Health and Education, was launched on 18 July 2010. The steering committee approved the action plan and established a technical working group, comprising focal points from relevant ministries and the United Nations to ensure its implementation.

9. While there are no ongoing discussions on action plans with armed groups, dialogue held at the community level in order to carry out protection activities has proven partially successful. Dialogue with armed groups on the recruitment and use of children is impeded by the current situation and the fragmentation within these groups. Additionally, given their ties with those groups engaging in criminal activities, it is often difficult to determine the identification and accountability of these groups for grave violations against children in conflict.

Sudan

10. On 14 June 2010, an action plan was submitted by SLA/Free Will to the United Nations. Under this action plan, the armed group committed to, inter alia, the release of all children found within its ranks; fully cooperate with the North Sudan Disarmament, Demobilization and Reintegration Commission; and grant access to the United Nations to monitor its implementation. In a progress report to my Joint

Special Representative for the African Union-United Nations Hybrid Operation in Darfur (UNAMID) in August, in follow-up to the action plan, SLA/Free Will informed of the dissemination of a command order to all members of the armed group, and participation of its field commanders in child protection training.

11. A similar action plan was submitted by SLA/Mother Wing (Abu Gasim) to the United Nations on 15 August 2010. Preceding the signing of the action plan, the armed group issued a command order on 9 April prohibiting its fighters from recruiting and using child soldiers, and designated two senior commanders as focal points to prepare and implement the action plan.

12. A memorandum of understanding was signed between the Justice and Equality Movement (JEM) and the United Nations on 21 July 2010, as a first step towards the signing of an action plan. This memorandum of understanding aimed at establishing an understanding of the basic principles of child rights enshrined in national and international laws, and outlining conditions for unhindered access to verify compliance with such laws, particularly that no child under the age of 18 is recruited or associated with JEM. The dispersal of JEM to remote areas of Darfur or neighbouring countries as a result of renewed clashes with Government forces, however, have contributed to delays in implementation of this memorandum of understanding.

13. On 22 December 2010, JEM/Peace Wing submitted a draft action plan to the United Nations, to be implemented in Geneina and Zalengi (Western Darfur).

14. On 23 December 2010, UNAMID and the United Nations Children's Fund (UNICEF) visited Gur Lumbung (Golum Bay) in Jebel Marra (Southern Darfur), a stronghold of SLA/Abdul Wahid, to discuss the recruitment and use of child soldiers. The armed group confirmed that while they do not actively recruit children, children may be associated with them. SLA/Abdul Wahid commanders pledged full commitment to continue dialogue with the United Nations and agreed to consider the establishment of an action plan.

15. There are ongoing discussions between the United Nations and the Sudanese Armed Forces on an action plan to end the association of children with the Sudanese Armed Forces. This action plan will also apply to its proxy groups. It is acknowledged that the Sudanese Armed Forces does not have a policy to recruit children. The Sudanese Armed Forces agreed to work towards an action plan in a meeting with the United Nations held on 21 October 2010, at the Ministry of Defence.

16. Finally, in Southern Sudan, the action plan that was signed between the United Nations and SPLA on 20 November 2009 lapsed in November 2010. A progress report on the implementation of the action plan was submitted by the technical committee comprising of the United Nations Mission in the Sudan (UNMIS), UNICEF and the South Sudan Disarmament Demobilization and Reintegration Commission to SPLA leadership for approval, including a request for a six-month extension in order to complete the identification and removal of all children remaining within the ranks of the group. In 2010, despite several challenges, considerable progress was made by SPLA in action plan implementation, with support of the South Sudan Disarmament Demobilization and Reintegration Commission and the United Nations. A child protection unit was established at SPLA general headquarters in Juba and in all SPLA divisions across all 10 States of

Southern Sudan. SPLA officers were trained on child rights and child protection, and similar trainings targeting SPLA soldiers were rolled out throughout the region in December.

17. Insecurity (such as in Jonglei, Unity, Upper Nile and Western Bahr el-Ghazal States), lack of cooperation from some SPLA commanders (such as in Lakes State) and poor road conditions were key challenges faced in the implementation of the SPLA action plan. In addition, access for child protection actors to assess the situation of children associated with SPLA in Kordofan State remained problematic during the reporting period. Attempts made by child protection actors to work with the Joint North-South Disarmament, Demobilization and Reintegration Commission to officially register these children could not be achieved for security reasons. On 3 December, UNMIS raised these concerns with the SPLA Deputy Chief of Staff for Moral Orientation, who acknowledged the presence of children associated with SPLA in Kordofan State and committed to cooperate with the United Nations to release them. Furthermore, it was jointly agreed that the second phase of the action plan implementation would begin with assessments in the transitional areas, including in Jaw and Kurmuk, where children have been sighted within SPLA.

Nepal

18. In line with the action plan signed on 16 December 2009, between the Government of Nepal, the Unified Communist Party of Nepal-Maoist (UCPN-M), and the United Nations regarding the discharge of disqualified Maoist army personnel and related tasks, and in accordance with the Comprehensive Peace Agreement, the formal discharge of Maoist army personnel verified as minors was completed in early 2010; 2,973 Maoist army personnel were verified as minors. The discharge process took place in the seven main cantonment sites and included 1,843 persons verified as minors; the remaining 1,130 verified minors who were not present for this process were discharged with the signing of a declaration of discharge on 23 March 2010.

19. A United Nations monitoring team comprising representatives from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF, in conjunction with the United Nations Mission in Nepal (UNMIN), was established to monitor and report on compliance with the provisions specified in the action plan. Information collected and verified to date indicates that there are continuing links between some verified minors and the Maoist army, including monthly payments being made to the verified minors and accommodation, in the form of shared housing, being provided in different regions. A small number of verified minors have returned to the cantonment sites. However, there are also social-economic aspects to these continuing links, including difficulties faced by the verified minors in reintegrating into their communities and finding alternative employment. Despite concerns being raised with UCPN-M at the central level and with Maoist army commanders at the cantonment sites, few measures to redress these trends have been observed.

Philippines

20. As part of the 1 August 2009 Moro Islamic Liberation Front (MILF) action plan to address child recruitment and use, in January 2010 MILF issued a supplemental general order restating the policy of non-recruitment of children

within the MILF-Bangsamoro Islamic Armed Forces. The order also sets out punitive sanctions for non-compliance, and provides for the establishment of child protection units within the ranks of the Bangsamoro Islamic Armed Forces.

21. Rapid registration of children associated with MILF in line with the action plan is in progress across core communities in 18 of the 21 MILF base commands, in partnership with mutually agreed upon non-governmental organizations. Preliminary unverified results of the rapid registration indicate that 432 children (366 boys and 66 girls) may be associated with MILF. The training of additional data-gatherers and rapid registration covering the three remaining MILF bases, as well as systematic expansion to peripheral Moro-MILF communities, commenced in early 2011. In order to meet all its commitments, in August, the United Nations and MILF agreed to extend the action plan agreement for an additional 12 months.

22. On 2 November 2010, the Government of Philippines issued an official endorsement reaffirming its support for United Nations engagement with the New People's Army (NPA) on the development of an action plan. The Government recognizes that this initiative will contribute to the advocacy urging all parties to the conflict to respect the rights of children at all times, and likewise support the complementary tracks of the peace process currently pursued by the Office of the Presidential Adviser on the Peace Process.

23. The absence of political representation, as well as the security risks involved, currently prevents United Nations engagement with the Abu Sayyaf Group.

24. Finally, the United Nations has initiated discussions with the Government, through the Office of the Presidential Adviser on the Peace Process, on the development of a strategy for engaging with government forces to protect children in armed conflict. Consistent with recommendations in my report on children and armed conflict in the Philippines (S/2008/272), on November 2010, the Government appointed Army Colonel Domingo Tutaan, Jr., as the chief Human Rights Officer of the Armed Forces of the Philippines.

Sri Lanka

25. In 2010, sustained efforts were made by the United Nations throughout the year to encourage the full implementation and completion of the action plan signed by the Tamil Makkal Viduthalai Pulighal (TMVP), the Government of Sri Lanka and UNICEF in December 2008. The working group established in Batticaloa in January 2009, comprised of representatives from the local administration, the police, the Sri Lankan army, the Department of Probation and the United Nations, met on a monthly basis to follow up on their commitments in accordance with the action plan. Between June and July 2010, meetings were also held between the Police Department, Iniya Barrathi (former element of the Karuna faction) and the United Nations, to advocate and advance progress on the release of children who remain associated with the group. This resulted in an investigation being carried out on 30 August 2010 by the National Child Protection Authority and its police section, upon request of the Ministry of Foreign Affairs, to establish the whereabouts of these children. Although a request for a full investigation into allegations of recruitment and use of children by Iniya Barrathi was lodged with the Government after the visit of Special Envoy Patrick Cammaert, limited progress has been made to date.

Chad

26. The Government of Chad expressed its intention to prepare and implement an action plan to address the recruitment and use of children by the Armée nationale tchadienne in a meeting between my Special Representative for Children and Armed Conflict and the Minister of Social Action, National Solidarity and Family in October 2010. A draft action plan has been prepared and is currently being discussed with the Government.

Democratic Republic of the Congo

27. The Government of the Democratic Republic of the Congo has not been forthcoming in engaging with the United Nations on an action plan to end the recruitment and use of children by the Forces armées de la République démocratique du Congo (FARDC), despite advocacy by child protection actors, including the country task force on monitoring and reporting, over the last several years. While efforts have been ongoing to professionalize FARDC, these efforts have not consistently involved a formal process to remove all children from FARDC units. Many children continue to be recruited and remain associated with FARDC units, particularly within former Congrès national pour la défense du peuple (CNDP) units. Many children released in 2010 reported that they had been recruited several times, even after family reunification. This reaffirms the urgent need for a political commitment at the highest levels of the Government in order to move forward on the action plan and ensure its coherence with ongoing security sector reform efforts. In a positive move, new military directives were issued by the "Amani Leo" chain of command ordering the release of all children remaining in FARDC units.

Myanmar

28. In Myanmar, progress was made in the action plan negotiations between the Government and the country task force on monitoring and reporting to end the recruitment and use of children by the Tatmadaw Kyi. The Committee for the Prevention of Military Recruitment of Underage Minors, chaired by the Adjutant-General of the Tatmadaw, agreed to form a technical panel to negotiate the action plan. The panel met to consider the draft action plan put forward by the task force. In October and November, the task force was invited to discuss the action plan with the Government with a view to signing the action plan at the earliest opportunity. While the positive commitments made by the Government on the draft action plan are noted by the task force, some crucial elements of the action plan, including access for monitoring, require further discussions.

29. There has been no progress on dialogue with listed non-State armed groups in Myanmar. In 2010, the Government again refused access to these groups, despite continued high-level advocacy from the task force. Security Council resolution 1612 (2005) underlines the primary role of States in providing effective protection and relief to all children affected by armed conflict. To date, however, prevention and response activities provided by the Government have involved the Tatmadaw, and have not reached children purported to be present in the other listed parties in Myanmar. Further, the protection of children in armed conflict has also not been included in the comprehensive strategy to negotiate transformation of ceasefire groups to border guard forces or to resolve the conflict with the Karen National

Union/Karen National Liberation Army (KNU/KNLA), the Karenni National Progressive Party/Karenni Army (KNPP/KA) or the Shan State Army-South.

Somalia

30. Dialogue with the Transitional Federal Government on child protection issues has been very limited. Prime Minister Mohamed Abdullahi Mohamed committed to nominating a focal point to work with the United Nations towards the development of an action plan to address the issue of child recruitment with the Transitional Federal Government and its allied militia in a meeting with my Special Representative on Children and Armed Conflict during her visit to Somalia. State Minister Zahra Ali Samantar was officially appointed by the Prime Minister in December as the focal point for child protection and human rights. Given the serious deterioration in the situation in Somalia with regard to the protection of civilians, and in particular children, throughout 2010, the development and implementation of a comprehensive time-bound action plan to stop and prevent the recruitment and use of children should be given urgent priority.

31. While advocacy efforts on child protection issues have been possible with the Transitional Federal Government, it has not been possible to engage with Al-Shabaab and other insurgent groups owing to difficulties in contacting the group's leadership and concerns over the possibility of further compromising humanitarian access.

Colombia

32. The Government voluntarily accepted the monitoring and reporting mechanism pursuant to Security Council resolution 1612 (2005) on the condition that any dialogue between the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations country team or the country task force on monitoring and reporting and illegal armed groups may be possible only with the previous and explicit consent of the Government of Colombia. There was no contact or dialogue between the United Nations system and armed groups on the preparation and implementation of action plans to address grave violations against children, delaying progress in the implementation of Security Council resolutions 1612 (2005) and 1882 (2009). Upon inauguration and later in 2010, President Santos indicated that a Government precondition to starting peace talks with the Fuerzas Armadas Revolucionarias de Colombia (FARC) and the Ejército de Liberación Nacional (ELN) included a halt to recruitment and the release of children remaining in the guerrillas' ranks.

Yemen

33. Ongoing dialogue between UNICEF and the Government of Yemen for the immediate release of children detained for their association with Al-Houthi led to the opening of discussions with the Ministry of Defence on the issue of child recruitment and use, including towards the preparation of an action plan to cease all grave violations against children.

34. To date, restrictions on access have made it very difficult for the United Nations to begin negotiations with the Al-Houthi armed group.

III. Information on progress made in the release of children from armed forces and armed groups

Chad

35. One hundred and eighty-one children, including 25 girls, were released by the following armed opposition groups during the year: Front pour le salut de la République (FSR); Front uni pour le changement (FUC); Mouvement national pour le redressement (MNR); Rassemblement des forces pour le changement (RFC); Conseil démocratique et révolutionnaire (CDR); Union des forces de la résistance (UFR); Union des forces pour la démocratie et le développement (UFDD); Union des forces pour le changement et la démocratie (UFCD); Front populaire pour la renaissance nationale (FPRN); Mouvement pour la démocratie et la justice au Tchad (MDJT); Union des forces pour la démocratie et le développement-Fondamentale (UFDD-F); Mouvement pour la paix, la reconstruction et le développement (MPRD) and JEM.

Central African Republic

36. Between 2009 and 2010, 525 children, including 37 girls, were separated from the ranks of the Armée populaire pour la restauration de la république et de la démocratie (APRD). Of the 525 children, 417 were separated in Paoua (Ouham-Pendé) in 2009 and 2010, and 108 in Kanga-Bandoro (Nana-Gribizi) in 2010. At the end of the reporting period, all these children were reunified with their families and communities. It should be noted that towards the end of 2008, 775 children had been separated from APRD, bringing the total number of separated children to date to 1,300.

Democratic Republic of the Congo

37. A total of 1,656 children (including 47 from Rwanda, 5 from Uganda and 2 from Central African Republic) escaped or were separated from armed forces and groups during the year. Of these, 71 per cent were released in North Kivu Province; 17 per cent in Orientale Province; 8 per cent in South Kivu Province; 2 per cent in Katanga Province; and the remaining 2 per cent in other provinces. A number of factors may have contributed to the higher number of children released in North Kivu, including the comparative ease of access to locations in North Kivu, and the greater number of child protection actors in the province from which children can seek protection and assistance. These children were released or escaped from the Forces démocratiques de libération du Rwanda (FDLR) (29 per cent); FARDC (21 per cent); the Coalition des patriotes résistants congolais (PARECO)-Mai-Mai (18 per cent); remaining Mai-Mai factions (15 per cent); Forces de résistance patriotique en Ituri/Front populaire pour la justice au Congo (FRPI/FPJC) (13 per cent); the Lord's Resistance Army (LRA) (3 per cent); and the Allied Democratic Forces (ADF)/National Army for the Liberation of Uganda (NALU), the Forces républicaines fédéralistes (FRF), non-integrated elements of CNDP and the national police (1 per cent).

38. Of the 1,656 children, only 240 were separated by child protection actors, while the large majority escaped and approached United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) bases or service providers for assistance. Four hundred forty-seven of the children

released reported that they were recruited in 2010, indicating that 73 per cent of the children were therefore recruited before 2010 and have been associated with armed forces and groups for one to four years. Access to girls associated with armed forces and groups remained a challenge, as indicated by the small number of girls (121) among the children released. In addition to the 1,656 children released in 2010, 387 children who had separated from armed groups or forces in 2009 were also registered by the country task force on monitoring and reporting in 2010.

39. As part of MONUSCO support to FARDC during "Amani Leo" military operations, a conditionality policy issued pursuant to Security Council resolution 1925 (2010) required the screening of all FARDC units to verify the presence of children and, if found, their separation from FARDC ranks. Although over 50 attempts of screening were carried out in coordination with the FARDC units supported by MONUSCO, only five children were separated during the exercise. That was owed mainly to troops not being made available for screening. Despite numerous attempts to coordinate with FARDC and implement new military directives and the conditionality policy, no formal organized operation to separate children in 2010 took place; as a result, children continued to be present in the ranks of FARDC.

Myanmar

40. According to official reports made available by the Ministry of Foreign Affairs, 110 child soldiers (all male) were released from the Tatmadaw Kyi through Government mechanisms during the year (bringing the total of child soldiers notified as discharged to the country task forces on monitoring and reporting since 2006 to 383). Of the 110 child soldiers, 40 were released in response to complaints lodged under the supplementary understanding complaints mechanism for the elimination of forced labour of the International Labour Organization (ILO). In 2010, 184 children received reintegration support from UNICEF, Save the Children, World Vision and other child protection partners, in support of the Ministry of Social Welfare, Relief and Resettlement.

41. In 2010, the Government shared details of a number of new military instructions issued on the prevention of underage recruitment and granted greater access to UNICEF, on behalf of the country task forces on monitoring and reporting, to recruitment units to observe recruitment procedures. This did not extend to military training schools or operational units. During these visits, greater rigour in the screening process was observed. The rejection of prospective recruits due to invalid age verification documentation or to the fact that they were underage was also observed. Further, it was brought to the United Nations notice that the Directorate for Military Strength in Nay Pyi Taw holds a database of children rejected by recruitment units and who are not included in the lists of released children shared with the task force. This measure has been put in place to ensure that underage recruits rejected in one unit are not brought elsewhere for recruitment.

42. From the ILO experience, from late 2009 onwards, it appears that, of the four main recruitment units, recruitment unit No. 1 in Da-nyin-gone, Yangon, seems to be applying a more rigorous screening mechanism. In a number of cases, reports were received that underage recruits were initially rejected when presented to this centre, but were accepted at other more remote or less rigorous centres when presented there.

43. Although these steps reflected positive progress in terms of prevention and discharge and cooperation with the country task forces on monitoring and reporting, the Government had yet to draw up a plan to systematically identify and separate children being used by the Tatmadaw Kyi, and the discharge of children continued to be undertaken on an ad hoc basis as a response to complaints.

Sudan

44. The establishment of the North Sudan Disarmament, Demobilization and Reintegration Commission by the Government of National Unity has greatly assisted efforts in the release of children from armed groups. From February 2009 to March 2010, the Commission, with the support of the United Nations, facilitated and organized the release of 957 children by SLA/Free Will, SLA/Mother Wing (Abu Gasim), SLA/Peace Wing, JEM/Peace Wing and the Popular Forces for Rights and Democracy (173 children in Northern Darfur, 534 in Southern Darfur, 250 in Western Darfur). In January 2011, SLA/Free Will and SLA/Mother Wing (Abu Gasim) jointly released 84 children (44 from SLA/Free Will and 40 from SLA/Mother Wing (Abu Gasim)) in Northern Darfur to the Commission as part of the implementation of their action plans.

45. Further, UNICEF and the North Sudan Disarmament, Demobilization and Reintegration Commission officially registered 526 children formerly associated with armed groups in the three States of Darfur, including 53 girls. In addition, 149 children were registered in the Three Areas.

46. A total of 210 children associated with SPLA were released in 2010, of which 42 were confirmed by the United Nations as children listed on the payroll, trained and armed. In the majority of cases, children were used as porters, messengers, cooks and guards by SPLA officers. In Unity State, 89 children were released from SPLA Division 4 in April (from Pakur and Buoth barracks in Duar); 50 children from Division 5 (Mapel) in July; and 26 children (from Wunyik) in November. In Divisions 7 and 8 (in Panpandiar and Yomding), as well as in New Kush and the SPLA general headquarters, a total of 45 boys were released. Separately, in Blue Nile State, SPLA released 140 children of the 220 children registered. Efforts are under way to release the remaining 80 children in early 2011.

Colombia

47. According to the Colombian Family Welfare Institute, 338 children (114 girls and 224 boys) have been separated from illegal armed groups between January and December 2010 and entered protection programmes. Of these, 246 were separated from FARC-Ejército del Pueblo (FARC-EP), 62 from the Ejército de Liberación Nacional (ELN), 1 from the Ejército Popular de Liberación (EPL), 8 from the former Autodefensas Unidas de Colombia (AUC) and 21 from other armed groups the Government deems criminal gangs.

Sri Lanka

48. Since 1 December 2008, 122 children have been reported as released by TMVP, including 32 boys released in 2010.

49. On 25 May 2010, all 562 "surrendee"[3] children and youth, including 201 girls, identified at the end of the conflict as formerly associated with armed groups were released, upon completion of one year of rehabilitation as required by Emergency Regulation No. 1580/5(2008). All children were released through a Magistrate's Court order, as well as a letter from the Commissioner General for Rehabilitation. All children, except one, have been reunited with their families. In line with Regulation 1580/5, monitoring of these children is ongoing by the Department of Probation and Child Care Services. In addition to highlighting the limited employment opportunities, which may improve given the joint plan of action for the Northern Province, the monitoring showed that at least 250 children formerly associated with armed groups in the north and east of the country are facing a number of security issues. Concerns range from being requested to report regularly to the nearby military/police posts, visits by military and police/intelligence staff to their house, arrests by the police, to being required to report and sign at the local military or navy post before leaving their administrative division of residence.

IV. Information on grave violations committed against children in armed conflict

A. Information on grave violations against children in situations on the agenda of the Security Council

Developments in Afghanistan

50. The recruitment and use of children by anti-government elements, including the Taliban and its various factions, Haqqani network, Hizb-e-Islami of Gulbuddin Hekmatyar, the Tora Bora Front, Latif Mansur Network and Jamat Sunat al-Dawa Salafia, was observed throughout the country in 2010. Children were used by them to carry out suicide attacks, plant explosives and transport munitions. The country task forces on monitoring and reporting verified 23 incidents of recruitment and use of children by armed groups. Half of these incidents were reported from provinces near the border with Pakistan and the Islamic Republic of Iran. All recruited children are male, between the ages of 9 and 17, and most of them were recruited in southern and western regions.

51. There have been continued reports of cross-border recruitment and use of children by armed opposition groups, including the Taliban, from both Pakistan and Afghanistan. Many have been forced to carry explosives across the Pakistan-Afghanistan border, often without their knowledge, while others have received more advanced training in weapons. One boy, aged 15 years, recounted that he was kidnapped by the Taliban at the age of 13 and taken to Pakistan, near the Turham border, where he was kept in captivity, among other Afghan children, for almost two years and received training in the use of weaponry. The boy was told that anyone who tried to escape would be killed. He was forced to join a Taliban fighting group and participated in armed clashes in Khyber, Kharkhano and other locations before escaping during an attack. He managed to find his way to Kabul, where he was

[3] A "surrendee" under the Sri Lankan Emergency Regulation 1580/5(2008) of 15 December 2008, is a child leaving an armed group that has been identified and registered by the Government of Sri Lanka and verified by UNICEF.

arrested by the Afghan National Security Forces. He is currently serving a prison sentence in Kabul Juvenile Rehabilitation Centre for threatening national security.

52. The Government's policy is to not recruit children under 18 into the national security forces, and efforts are made to identify and remove children during the recruitment process. However, children continue to be found in the ranks of the Afghan National Police. This was especially true for local recruitment in rural district police stations and conflict-affected areas, where there were consistent reports of children associated with Afghan National Police units at checkpoints and police stations, including as drivers, messengers and tea boys. Insufficient age-verification procedures, extremely low levels of birth registration, opportunities to manipulate age in national identity documents, and the current recruitment drive within the Afghan National Police have led to such underage recruitment.

53. Sixty-six incidents of detention of children for crimes relating to national security and alleged association with armed groups were verified and documented. Children were often detained with adults in police custody and some reported abuse and mistreatment. The Afghan National Security Forces detained 62 children, while 3 children were arrested and detained by the international military forces. According to ISAF, there are an additional 300 detainees between the ages of 16 and 18 held in the detention facility in Parwan (formerly known as Bagram). This has yet to be verified and followed up by the country task forces on monitoring and reporting. A request has been made to ISAF for access to these children.

54. A total of 1,396 children were killed or maimed (486 killed and 910 maimed) in 2010. This is a 35 per cent rise compared to 2009, mainly owing to an increase in indiscriminate methods of warfare and asymmetric attacks by armed groups all around the country. The majority of incidents occurred in the southern and eastern regions. Seventy-two per cent of child casualties were attributed to armed groups, including the Taliban, the Haqqani network, and Hizb-e-Islami and their respective factions. Improvised explosive devices, suicide attacks, and rocket and mortar shelling were the main causes of death and injury to children by these groups. Of grave concern is the killing of children by the Taliban on the suspicion that they were spies, or for being allegedly associated with or supporting the international military forces. One such case in Helmand Province and another case in Ghazni Province have been reported. Pro-Government forces (the Afghan National Security Forces supported by the international military forces) were responsible for 21 per cent of all child casualties in 2010, mainly caused by air strikes, artillery and operations conducted during night raids. Cross-fire accounted for the remaining 7 per cent of child casualties, for which it was impossible to determine which party was responsible. Furthermore, explosive remnants of war and landmines, left over from the preceding decades of conflict, continued to cause loss of lives and injury to children, mostly boys between 8 and 14 years old in the south and central regions.

55. Reports were received of sexual violence committed against children by members of the Afghan National Security Forces with no or limited follow-up by the authorities. Moreover, there continued to be reports of boys being sexually abused and exploited by armed forces and groups, including the practice of *baccha baazi* (dancing boys). Such incidents and their context continue to be difficult to document, but efforts are being made to further investigate.

56. Eight incidents of abduction of children by armed groups, including the Taliban, were verified in 2010. Children were abducted for various reasons, to

intimidate families perceived as pro-Government or to pressure an exchange or release of individuals detained by the authorities. Dozens of additional reports of abduction of children were received during the reporting period, but information on the perpetrators and their motives has been difficult to obtain.

57. A total of 197 education-related incidents throughout the country were verified. Incidents affecting education included direct attacks against schools, collateral damage, killing and injury of students and education personnel, threats and intimidations, and forced school closures. These incidents were mostly perpetrated by armed groups (86 per cent); 30 per cent of the incidents were carried out in September 2010, the month of the Parliamentary elections, when half of the polling stations were located in schools. Of the 47 verified incidents affecting health delivery, 33 were attributed to armed groups and 14 to pro-Government forces. Incidents included the abduction of medical staff, the looting of medical supplies, improvised explosive device attacks, collateral damage and intimidation. The highest incident levels were recorded in the north-eastern, eastern and northern regions. The occupation of schools and health facilities by pro-Government forces is a concern, including five verified incidents of school occupation by the international military forces in 2010.

58. Humanitarian access continued to be seriously affected by widespread insecurity, especially in the south and south-east of the country in 2010. Significantly increased levels of insecurity in these areas, as well as the northern, north-eastern and north-western regions, also hindered the capability of aid agencies to assess needs, assist vulnerable populations and monitor provision of assistance. Armed opposition groups were responsible for the majority of incidents, including the abduction of humanitarian personnel, intimidation, the looting of humanitarian aid, and armed attacks against the convoys and staff of humanitarian organizations. Abduction by armed opposition groups remained the most common violation (74 persons abducted in 30 separate cases). In a majority of instances, those abducted were released on the intervention of community elders and religious leaders.

59. In January 2010, President Karzai outlined a peace and reintegration programme aimed at promoting peace through dialogue with armed opposition groups. In the Afghanistan Peace and Reintegration Programme 2010 document of July 2010, however, no specific reference was made, nor resources or responsibilities allocated, for the particular needs of children directly affected by armed conflict.

Developments in Burundi

60. Following the release of all children associated with the Forces nationales de libération (FNL) in April 2009 and the transformation of the movement into a registered political party, Burundi was removed from the annexes to my last annual report on children and armed conflict (S/2010/181). No new reported cases of recruitment or use of children were recorded in 2010. The country task forces on monitoring and reporting continues to monitor the situation of children in Burundi, given the security challenges that are present in a country emerging from conflict.

61. The operational framework for the reintegration of children formerly associated with FNL and its alleged dissidents, established in 2009 (comprising a government technical coordination team, UNICEF, United Nations Office in Burundi (BNUB), international NGOs and national civil society organizations),

continued to monitor the reintegration of 626 children, including 8 girls, during the reporting period.

62. The number of reported cases of rape and other sexual violence perpetrated by members of security and defence forces decreased in 2010 (6 cases) compared to 2009 (15 cases). According to BNUB, from January to November, the six cases of rape of children (7-16 years of age), including one boy, were committed by members of the Burundi National Police, National Defence Force (FDN) and national intelligence service. For most of the reported cases, no judicial case has been filed by the victims or follow-up taken by the authorities. In line with the national strategy to fight gender-based violence still to be adopted and as part of the joint programme signed with the United Nations, the Government is setting up a "one-stop" centre to provide medical and psychosocial support to victims of gender-based violence, including rape.

63. From January to November, BNUB registered the extrajudicial or arbitrary detention of 204 children (45 girls and 159 boys), including some children arrested for offences linked to national security. Among them is a 14-year-old girl suspected of subversion, and a 14-year-old boy suspected of involvement in mercenary activity. On a positive note, the Ministry of Justice established a child protection unit for providing protection and assistance to children in contact with the law.

Developments in the Central African Republic

64. The Union des forces démocratiques pour le rassemblement (UFDR) and the Convention des patriotes pour la justice et la paix (CPJP) reportedly continued to use children in the north of the country. Children were seen fighting for both armed groups during the attack on Birao in Vakaga prefecture by CPJP in November. The presence of children within the Front démocratique du peuple centrafricain (FDPC) near Kabo (Ouham prefecture) and the Mouvement des libérateurs centrafricains pour la justice (MLJC) in Vakaga prefecture was also reported. Further, while hundreds of children have been demobilized from APRD since 2008, reports have confirmed that children, including girls, remain associated with the armed group in Ouham, Ouham-Pendé and Nana-Gribizi. APRD commanders have denied using children, and have explained that children voluntarily joined APRD elements for food and protection. The United Nations has not been able to confirm the number of children still present in the ranks of APRD. The abduction of children by LRA, especially in the south-east of the country (Mbomou and Haut-Mbomou prefectures), remained of concern, along with reports that self-defence militias supported by local authorities had mobilized children into their ranks, principally in the north-west.

65. Attacks on villages in the north and north-west of the Central African Republic resulting in civilian casualties, including children, were documented during the year. In particular, in February, APRD attacked a campsite of members of the Peuhl ethnic group in Taley (near Markounda in Ouham prefecture), killing 18 people, including 4 children. CPJP attacked Kpata village (near Ndélé in Bamingui-Bangoran prefecture) in October, killing one girl. Multiple LRA attacks in which children were killed were reported in Haut-Mbomou and Mbomou prefectures by survivors.

66. Incidences of rape and other sexual violence against children by armed elements continued to be of grave concern in 2010, even though they remain severely underreported. Of the hundreds of cases reported to the United Nations,

approximately 10 per cent of victims were children, with CPJP and zaraguinas (*coupeurs des routes*) among the perpetrators. In the east, the abduction of young girls by LRA for use as sex slaves was reported by several victims who were able to escape. Weak law enforcement systems, compounded by the absence of protective measures to separate victims of sexual violence from their known aggressors in the community, have contributed to a high level of impunity for such crimes.

67. The education system, especially in the east of the country, was considerably affected by insecurity owing to the presence of armed groups. While schools were not specifically targeted by LRA or other armed groups present in the east, the atmosphere of fear of incursions by armed groups, including LRA, have prevented parents from sending their children to school. From mid-May to September 2010, schools in several villages of Mbomou (Rafai and Dembia in particular) and Haut-Mbomou (i.e., Obo and Zemio) prefectures were closed owing to LRA activities. In addition, it was reported to the United Nations that CPJP occupied several schools in villages near Bria (Haute-Kotto prefecture) between May and July; while in October, schools in Ippy (Ouaka prefecture) were temporarily closed owing to the occupation of the town by CPJP.

68. During the year, there were cases of lootings of health centres in the east and north of the country during attacks on villages by CPJP (in Bamingui-Bangoran prefecture) and by LRA (in Mbomou, Haut-Mbomou, Haute-Kotto and Vakaga prefectures), which adversely impacted access to health care by the population, including children.

69. Humanitarian access was a major challenge in several parts of the north and east (including Bamingui-Bangoran, Vakaga, Haute-Kotto, Mbomou and Haut-Mbomou prefectures) owing to sporadic fighting between armed groups and FACA, as well as increased rebel group attacks throughout the year. Incidents linked to armed attacks and banditry, including kidnappings and killings of humanitarian workers, resulted in a substantial decrease of activities by humanitarian organizations in these areas, especially in Vakaga. Widespread insecurity in the LRA-affected prefectures of Mbomou and Haut-Mbomou considerably limited humanitarian aid and protection activities, especially to the displaced rural population. Restrictions on the passage of humanitarian convoys by the Government on major routes around Ndélé (Bamingui-Bangoran) until July 2010, as well as attacks on convoys by armed groups and looting of premises of NGOs by UFDR and FDPC, compounded the challenges associated with aid delivery to affected populations. On several occasions, negotiations for humanitarian access were complicated by a lack of clarity in the chain of command, in particular with FDPC in Kabo (Ouham prefecture).

70. In June, the Government of the Central African Republic signed the N'Djamena Declaration to end the recruitment and use of children within its armed forces. The Government's commitment to protect children affected by armed conflict was restated at the African Union ministerial meeting on LRA, held in Bangui in October. Other efforts led by the Government to protect children included the signing in September of the two Optional Protocols to the Convention on the

Rights of the Child on the involvement of children in armed conflict[4] and on the sale of children, child prostitution and child pornography.[5]

71. In January, the revised Penal Code, which includes a section on crimes against children under discussion since 2003, was promulgated by presidential decree. Moreover, the Government decided, with the support of the International Conference on the Great Lakes Region, to revise its existing law on the protection of women against violence in the Central African Republic to include the protection of children against all forms of sexual and gender-based violence. At the time of writing, the bill was still under review.

Developments in Chad

72. The slow but progressive improvement in the security situation in 2010, and the normalization of relations between Chad and the Sudan contributed to a decrease in the number of reported cases of child recruitment in Chad, compared to 2009. JEM was less visible and present in the refugee camps in eastern Chad; no new cases of child recruitment by JEM were reported to have occurred after May 2010. Furthermore, between May and August 2010, at least 40 former child combatants allegedly recruited by JEM prior to 2010 returned to the refugee camps. Prior to May, the recruitment of Sudanese refugee children by JEM from north-eastern Chad had been reported. Information corroborated by various sources pointed to local refugee leaders who in some cases acted as "facilitators" in the recruitment process.

73. On 17 September, a group of Sudanese men reportedly attempted to recruit children and youth from the Goz Amer refugee camp (Dar Sila region) to join the SLM/A. The recruiters targeted boys and girls, some as young as 12 years old. Although the group was reported to have enlisted at least 207 refugees, most of them children, they were prevented by the Détachement intégré de sécurité (DIS) from taking the recruits with them, and the perpetrators were subsequently arrested by Chadian authorities.

74. Only eight allegations of child recruitment by the Armée nationale tchadienne (6 Sudanese refugee children from north-eastern Chad and 2 children among displaced communities in the Goz Beida area of south-eastern Chad) were received in 2010, compared to 26 cases in 2009. In addition, between May and August 2010, the presence of children within Armée nationale tchadienne forces was also observed in Adré, as well as within mobile brigades of the Armée nationale tchadienne in the border areas of Goungour and Sawa, Assoungha department. The number of cases documented were isolated and allegedly carried out by low-ranking officers. In response, the Government, with the support of the country task force on monitoring and reporting, organized training sessions to build and reinforce the capacity and knowledge of rank-and-file officers of the Armée nationale tchadienne on child rights and child protection, in line with international norms and standards.

75. Children were also identified within several Chadian opposition armed groups, including those that joined Government forces following the signature of several peace agreements (peace agreements of July 2009 with Mouvement national; with Front démocratique populaire (FDP) of December 2009, and with MDJT of May 2010). For instance, 13 boys between the ages of 14 and 17 were identified among

[4] United Nations, *Treaty Series*, vol. 2173, No. 27531.
[5] Ibid., vol. 2173, No. 27531.

the 60 FPRN combatants captured by the Armée nationale tchadienne during the fighting between Armée nationale tchadienne and FPRN in April 2010. Furthermore, according to information received from the local population, children allegedly remain associated with FDP, whose forces are armed and stationed in the Central African Republic/Chad/Sudan border triangle; and MPRD in the hills of Korbol in Moyen-Chari.

76. Children represented the majority of victims of explosive remnants of war in 2010. Of the 17 incidents reported in the four eastern regions (Ouaddai, Wadi Fira, Dar Sila and Salamat), 14 involved children (all boys), and 2 were fatal. In addition, access to the Tibesti region, an intensely mined area occupied by MDJT was possible as a result of the peace agreement between the Government of Chad and MDJT. Demining activities by the Government, as well as mine education campaigns were carried out in the last quarter of 2010. Despite these efforts, the prevalence of mines and explosive remnants of war in Chad has been understated. With the departure of the United Nations Mission in the Central African Republic and Chad (MINURCAT) and the termination of its mine and explosive remnants of war clearance and road verification programmes, there is a serious risk that incidents of killing and maiming of children by explosive remnants of war may increase.

77. Sexual and gender-based violence against women and girls continued to be a widespread phenomenon in Chad. Perpetrators include members of armed groups and the Armée nationale tchadienne, but the majority of incidents were perpetrated by civilians. Two observations may be made from sexual and gender-based violence data collected in Chad by the United Nations. First, there is an ascending trend of reported sexual and gender-based violence cases among refugees, with 295 cases in 2006, 512 cases in 2007, 656 cases in 2008, 860 in 2009 and 650 by midyear 2010. This may not necessarily indicate that sexual and gender-based violence cases have increased, but rather the result of increased reporting owing to sustained work on sexual and gender-based violence. Second, it may reveal a behavioural change evidenced by survivors and their relatives willing to report cases. While underreporting remains a concern, particularly for rape or attempted rape cases, this trend may indicate growing trust in the protection mechanisms established by international actors, in close coordination with the communities, and in DIS.

78. Of the 650 cases of sexual and gender-based violence against refugee women and girls recorded by the Office of the United Nations High Commissioner for Refugees (UNHCR) in the first semester of 2010, nearly 30 per cent of victims were children, including children as young as 3 years old. Gender-based violence assaults, rapes and attempted rapes, including by members of the armed forces, were documented. Within the host population, two cases of rape against children by members of the armed forces were also documented. Impunity related to sexual and gender-based violence cases, particularly when the perpetrators are soldiers of the Armée nationale tchadienne, remains a major concern.

79. During 2010, 11 security incidents and attacks against humanitarian workers were recorded. This was attributed to three factors: DIS, with the support of MINURCAT, increasingly providing escorts and being able to react relatively promptly; the creation of the joint Chad/Sudan monitoring force and its deterrence effect; and the fact that other security forces, including the Armée nationale tchadienne and Gendarmerie, intensified their efforts to pursue and apprehend

perpetrators. However, this decrease came after a spate of serious security incidents in June 2010, including carjackings, kidnappings and abductions. As a result, one international NGO withdrew its international staff from eastern Chad and three others partially suspended their operations. In order to continue protection for humanitarian operations in view of the withdrawal of MINURCAT, the Government created the Bureau de sécurisation et de mouvement in six different locations (Abéché, Bahai, Guéréda, Iriba, Koukou, Goz Beida) to provide additional security to the humanitarian actors.

80. As part of its efforts to address the recruitment and use of children, the Government of Chad organized a regional conference in N'Djamena on ending the recruitment and use of children by armed forces and groups in June 2010. Bringing together representatives of Chad, Cameroon, the Central African Republic, Niger, Nigeria and the Sudan, the conference culminated in the signing of the N'Djamena Declaration, by which Governments committed to, inter alia, end child recruitment and use by armed forces and armed groups; establish a strategy to fight arms proliferation; implement relevant regional and international instruments on child rights and child protection; and harmonize national legislations.

Developments in Côte d'Ivoire

81. The prevalence of rape and other forms of sexual violence against children remains one of the many concerns in Côte d'Ivoire. Out of the 37 cases of sexual violence documented by the country task forces on monitoring and reporting at the national level, 7 were perpetrated by Forces nouvelles elements in the north. In the west, most of the cases of rapes allegedly attributed to pro-Gbagbo militia groups occurred during road attacks, which has become a new concern in the region. Three cases were reported in May, June and October 2010. Generally, it was difficult to identify whether perpetrators belonged to militia groups, as most of them were in civilian clothing. In San Pedro, two members of the Fédération estudiantine et scolaire de Côte d'Ivoire, aged 17, who had been arrested on 12 March for their involvement in the kidnapping and gang-rape of one of their peers, were released.

82. There were also concerns about the killing and maiming of children, with 23 cases recorded, of which 19 were verified. Of the 19, 11 cases occurred during the immediate post-electoral period mainly in the cities of Issia, Duékoué, Sinfra, Abidjan and Tiébissou. These cases were allegedly perpetrated by forces loyal to former president Laurent Gbagbo. The remaining allegations were not verified by the country task forces on monitoring and reporting at the time of writing, owing to the volatile security situation and the restrictions to movement of personnel in areas controlled by forces loyal to Mr. Gbagbo.

83. The involvement of children in campaigning activities and political demonstrations during the weeks leading up to the elections exposed them to reprisals, and in some cases resulted in children being physically harmed. In order to address this concern, the Forces nouvelles Chief of Staff and Integrated Command Centre officials were requested to instruct their personnel to ensure children are protected from any potential risks of violence or manipulation that are against their best interests.

84. A worrying trend of youth militarization was observed, particularly after the run-off election on 28 November 2010. Young people were recruited in various localities, notably in Abidjan, Bouaflé, Daloa, San Pedro, the Agnéby region,

Vavoua and Zuénoula, which are areas controlled by forces loyal to Mr. Gbagbo. Some were brought to Abidjan to undergo rapid military training in designated centres. There were also reports of forced abductions of youth who were taken to training centres. Upon completion of their training, some of the youth were sent to the field with military uniforms and weapons. In Yamoussoukro, the Compagnie des Scorpions Guetteurs, a militia group led by a Young Patriot, was reactivated, and reportedly recruited youth to infiltrate areas controlled by the Forces nouvelles.

Developments in the Democratic Republic of the Congo

85. Child protection actors recorded 447 cases of child recruitment (including 49 girls) so far in 2010, representing about half of the number of recruitment cases reported in my last report (S/2010/181). This difference can be attributed to the surge of recruitments just before FARDC fast track integration in 2009. Of the recruitments that took place in 2010, 311 took place in North Kivu Province, 74 in South Kivu Province, 60 in Orientale Province and 1 in Bandundu Province. One child was reportedly recruited in Uganda and separated in North Kivu. Perpetrators include FARDC, FDLR, PARECO, Mai-Mai, LRA, FRPI/FPJC, CNDP, Police nationale congolaise, ADF/NALU and unidentified armed elements. The majority of children recruited in 2010 were used in military operations and were recruited more than once by the same or other groups. Of particular note is the ongoing recruitment and threats of re-recruitment, including from schools, in Masisi and Rutshuru territories by former elements of CNDP that have been integrated into FARDC. For example, in November 2010 in this area, at least 79 children who had been reunified with their families returned to transit centres for fear of re-recruitment.

86. A total of 26 cases of killing of children and 16 cases of maiming of children by armed forces and groups were documented in 2010 (compared to 23 cases of killing and 12 cases of maiming in 2009). Of the 26 cases, 13 were attributed to FARDC, 5 to LRA, 2 to ADF/NALU, 2 to FRPI/FPJC, 2 to PARECO, and 1 each to FDLR and Mai-Mai groups, respectively. Seven cases of maiming were reportedly perpetrated by FARDC, four by FDLR, three by Mai-Mai, one by PARECO and one by an unidentified group.

87. Sexual violence against children by security forces (army and the Police nationale congolaise) and armed groups continued to be a serious concern in 2010. A total of 141 cases (including two against boys) were recorded in 2010 by child protection actors, compared to 134 cases in 2009. Of the 141 cases, 73 occurred in North Kivu Province, 35 in Orientale Province (13 in Ituri and 22 in Haut and Bas Uélé), and 33 in South Kivu Province. Sixty-seven cases of sexual violence against children were allegedly perpetrated by FARDC, followed by FDLR (20 cases), LRA (15 cases), Police nationale congolaise (12 cases), PARECO (4 cases), FRPI (2 cases), Mai-Mai factions (1 case), ADF/NALU (1 case) and Agence nationale de renseignement (1 case). On 10 January 2010, an element of the Uganda People's Defence Force (UPDF) reportedly raped a 16-year-old girl in Haut Uélé territory, Orientale Province. In 15 cases, perpetrators remained unidentified. Twenty-six children who were victims of sexual violence, including one boy, were under the age of 10. In addition to the 141 cases of sexual violence against children that occurred in 2010, 89 other cases that occurred in 2009 and earlier were also documented in 2010.

88. Ensuring accountability for perpetrators of crimes against children remained problematic. Despite the large number of reported cases of child recruitment, particularly by FARDC commanders involved in "Amani Leo" operations, no judicial action has been initiated against them. Bosco Ntaganda, Innocent Zimurinda and Beaudoin Ngaruye, all of whom are suspected of recruitment and use of children, remained in the command structure of FARDC. On the positive side, 28 security forces were arrested for sexual abuses against children (19 in South Kivu Province and 9 in Province Orientale). Among those arrested, 20 FARDC and two Police nationale congolaise elements were convicted. In addition, in the Kivus, two FARDC elements and one member of the Mai-Mai were convicted for the killing and maiming of children.

89. In 2010, at least 14 schools and 9 hospitals (10 in North Kivu, 8 in Ituri, 5 in South Kivu) were attacked by armed forces and groups (7 by FRPI/FPJC, 7 by FARDC, 3 by PARECO, 1 by FRF, 2 by FDLR, 3 unidentified). The attacks included 10 cases in which the buildings were destroyed, 18 cases of looting and 7 cases of occupation of the buildings.

90. Humanitarian access continued to be hampered in eastern Democratic Republic of the Congo throughout 2010, not only as a consequence of armed group activity and military operations against these groups, but also because of the direct targeting of humanitarian staff. The number of recorded security incidents against humanitarian partners increased in 2010 by 10 per cent compared to 2009. All parties to the conflict targeted humanitarian personnel, severely limiting the provision of aid to vulnerable populations. While the national security forces and armed groups accounted for some cases (mostly FDLR and Mai-Mai), the majority remains unidentified. The trend was particularly worrisome in North and South Kivu, with Masisi, Rutshuru and Fizi territories being most affected. In South Kivu alone, the number of attacks against aid workers more than doubled in 2010 compared to 2009. In the Haut and Bas Uélé districts of Orientale Province, insecurity owing to the threat attributed to LRA and other tensions severely restricted the movement of humanitarian staff throughout the year. The provision of humanitarian assistance by United Nations agencies in the east has continued to depend largely on the capacity of MONUSCO to deploy troops to escort relief convoys and secure the areas where assistance is being delivered.

Developments in Haiti

91. Since my last annual report, the security environment was marked by the 12 January 2010 earthquake, which displaced over a million people into precarious and internally displaced camps, and two rounds of presidential and legislative elections, on 28 November 2010 and 20 March 2011. More firearms are reportedly circulating, and gangs possess an estimated 17,000 of the 205,000 illegal weapons now in circulation. This poses an increased risk for children, who are recruited as gang members, especially as conventional social structures and protective environment — their schools and families, churches — remain disintegrated as a result of the earthquake. The political turmoil and the volatile security situation have also heightened the risk of opportunistic alliances by armed elements with political or private sector actors for political or criminal purposes. Further, trafficking of children remains a serious concern in Haiti. Many of these children are victims of mistreatment, sexual abuse, forced labour and criminal exploitation.

92. Although there was a decline in the number of child abductions prior to the earthquake owing to the arrest of armed elements and gang leaders involved in child abduction by the Haitian National Police in close cooperation with the United Nations Stabilization Mission in Haiti (MINUSTAH) (89 cases in 2008; 21 cases in 2009), the numbers increased slightly in 2010, with 27 children (including 13 girls) abducted for ransom or for assault, including by armed elements, predominantly in Port-au-Prince. Abducted girls were exposed to sexual abuse and rape during captivity. Underreporting to the authorities by families owing to fear of repercussions suggests that the total number of abductions may be higher.

93. According to official figures provided by national law enforcement authorities, 17 boys and 4 girls were killed during armed confrontations among Port-au-Prince gangs in 2010. During the last week of November and the first week of December alone, nine children were reported killed by armed gangs in Martissant as a result of the political unrest related to the first round of elections.

94. Despite more frequent patrols by the Haitian National Police, rape and other sexual violence against children committed by armed elements continue to be reported, particularly in the internally displaced persons' camps that have limited or intermittent access to law enforcement services. Several IDP camps were a base for escaped prisoners and gangs' operations. Sixty per cent of the 284 cases of sexual violence registered during the reporting period by an international NGO in Port-au-Prince were children under the age of 18; and the Haitian National Police recorded 279 cases of rape and sexual violence against women and girls and 1 case of male child rape in Port-au-Prince between January and October 2010. Given that collecting data on sexual violence cases in post-earthquake Haiti has been extremely challenging with no active case registration system in the country, information on the number of cases perpetrated against children in IDP camps was not available at the time of writing.

95. Children as young as 10 years old are reportedly being used by armed elements in and around Port-au-Prince to courier drugs, warn members when security forces are conducting operations, carry weapons and intervene in armed confrontations, convey messages, act as spies, collect ransom during kidnapping, carry out arson attacks or destroy private and public property. In Martissant, approximately 30 children reportedly belong to one armed gang.

96. Physical damage to rule-of-law institutions by the earthquake has exacerbated existing challenges, including the lack of adequate detention facilities and the prolonged pre-trial detention of children. Of the 342 children detained across the country in December 2010, 88 per cent were held in pre-trial detention and 14 per cent were girls. Children charged and undergoing a judicial process lacked adequate detention facilities. Nevertheless, the Direction de l'Administration Pénitentiaire has undertaken steps to resolve this issue, within the framework of the development strategic plan for the period 2007-2012.

Developments in Iraq

97. Children were used in Iraq by Al-Qaida in Iraq to spy and scout, to transport military supplies and equipment, to videotape attacks, to plant explosive devices and to actively engage in attacks against security forces and civilians. There have been consistent reports received in 2010 by the United Nations from civil society groups, national authorities and security forces, as well as the United States Forces in Iraq

(USF-I), that Al-Qaida in Iraq operates a youth wing for children under the age of 14 called "Birds of Paradise" (also referred to as "Paradise Boys" or "Youth of Heaven") to carry out suicide attacks against military, government and civilian targets. Information concerning this wing of Al-Qaida in Iraq is difficult to verify owing to the group's clandestine nature and the difficulty in identifying its leadership and chain of command. However, Al-Qaida in Iraq reportedly targets vulnerable children for forced recruitment, such as orphans, street children and the mentally disabled. In other instances, insurgents have allegedly used children as proxy bombers who did not know they were carrying explosives that were intended to be detonated remotely without their knowledge.

98. At least 194 children were killed and 232 injured as a result of the continued conflict in 2010. The majority of these incidents took place in the governorates of Baghdad, Ninewa, Kirkuk and Basra. Access to many parts of Iraq is limited to United Nations staff as a result of security conditions, and therefore verification of all incidents was not possible. As a result, it is believed by the United Nations that these figures may underrepresent the actual number of child casualties during the year. The largest number of casualties is attributed to Al-Qaida in Iraq and Islamic State of Iraq (ISI), which carry out indiscriminate attacks, including suicide bombers, car bombs, and roadside bombs, with the intention of creating terror among the population and engendering a climate of fear in public places where civilians, including children, tend to gather. ISI had taken responsibility for the attack on 31 October against Our Lady of Salvation Church in Baghdad that killed 55 people, including 3 children. In addition, children were also killed or maimed as a result of being caught in the crossfire between insurgent groups and military or police forces engaged in combat, or during checkpoints confrontations.

99. The ongoing security situation has in some instances compromised children's access to education. In particular, threats and intimidation against specific groups remain a concern. For example, in October 2010, as a result of the attack by ISI against Our Lady of Salvation Church, it was reported that many schools in Baghdad, often sharing the same grounds as their churches, cancelled classes for several weeks out of fear of a similar attack taking place by ISI or another insurgent group intending to terrorize the community.

100. The detention of children by USF-I ceased during the reporting period. The United States-Iraq status of forces agreement requires that juveniles detained by USF-I be released, or, if sufficient evidence exists, that they be transferred to the Iraqi justice system for processing. As of June 2010, no juveniles remained in USF-I custody. The Ministry of Labour and Social Affairs, supported by UNICEF, started a "justice for children" project, which combined prevention, protection, reintegration and restorative justice for children and youth in 2009. Four mobile legal teams continued to provide assistance to boys in pre- and post-trial detention in Baghdad and Basra in 2010. Many of these boys were accused of being involved in terrorist activities, which carries a 15-year jail sentence if convicted. Others had been in detention without a formal charge for more than 12 months.

Developments in Lebanon

101. The United Nations and child protection organizations remain deeply concerned about the politicization of children and their potential participation in armed clashes between opposing political forces or in political demonstrations.

However, the collection of accurate and credible evidence on the association of children with armed groups remains problematic owing to the lack of monitoring mechanisms in Lebanon at this time. The Government of Lebanon has not yet ratified the Optional Protocol on the involvement of children in armed conflict.

102. The impact of ongoing political volatility, acute socio-economic inequities, significant school dropout rates and high youth unemployment among Palestine refugees in comparison to the host population also constitute major risk factors for the increased association of children with political armed violence, or with violent extremism in some Palestinian camps. It should be noted that significant amendments to the Labour Code and the Social Security Law adopted by the Lebanese Parliament in 2010 aim at improving access to the private sector labour market by Palestinian refugees in Lebanon.

103. On a positive note, 9 out of the 12 children detained on national security grounds, some held owing to their alleged association with Fatah al-Islam, as reported in my last report, were released this year. Two of the detainees turned 18 during the year and were transferred to adult facilities.

104. The presence of cluster munitions used by Israel during the war in 2006 continues to pose a serious danger to the civilian population living near contaminated areas. Since the end of the conflict in August 2006, the number of incidents among civilians has reached 347, including 44 fatalities and 303 injuries, among them 102 children.

105. There are also ongoing threats related to landmines and unexploded ordnance, with 17 civilian casualties recorded during the reporting period. This includes the killing of one child and the maiming of three others in a single incident in a Palestinian camp in Beddawi (northern Lebanon), which is currently being investigated by the Lebanese Mine Action Centre. On 17 August, the Lebanese Parliament ratified the Convention on Cluster Munitions.

Developments in Myanmar

106. Of the 93 child soldiers notified as having been discharged from the Tatmadaw through government mechanisms from January to December 2010, the country task forces on monitoring and reporting verified that 40 had been recruited during 2010, with the remaining 53 recruited in 2009. However, this most likely does not represent the total number of children recruited, given that ILO received 201 complaints of child soldier recruitment in 2010 (a significant increase over the 86 complaints received in 2009), and there continued to be a steady stream of underage recruitment reports submitted regularly to the task force. In 2010, the task force regularly followed up on reported cases, but access restrictions in Myanmar continued to limit the number of cases that the task force is able to verify. Analysis of verified cases and credible reports indicates that, despite progress made by the Government, the patterns of recruitment of underage children into the Tatmadaw did not alter significantly, and still included the recruitment of working and unaccompanied children from the streets, railway stations or other public places, although the majority of children were recruited from their homes or villages. Most cases of recruitment were of children between 15 to 17 years of age, and the majority were from Yangon division. Children continue to be persuaded or duped by relatives (working in the Tatmadaw), soldiers (to earn a promotion or other incentives) and other brokers to join the Tatmadaw. The majority of children

interviewed after discharge stated that the recruiter had not requested for the age of the child, or had falsified the age of the child upon recruitment. Credible reports indicate that, in addition to children who are officially recruited into the Tatmadaw, children are used by the Tatmadaw as porters, and as labour for road construction, kitchen work, farming, and aides-de-camp to high-ranking officers. Reports also confirm the recruitment and use of children by village militias known as "Pyi thu sit".

107. Children were still present in the ranks of the Democratic Karen Buddhist Army (DKBA), based in Pa'an district of Kayin State. Three cases were verified, involving three boys between the ages of 11 and 15, who were recruited by DKBA battalions 555 and 907, respectively, prior to 2010. Testimonies by these children, who had separated from DKBA in 2010, point to the presence of many other children in the armed group.

108. Credible information indicated that children are also present in the ranks of the Kachin Independence Army, KNU/KNLA Peace Council, the Karen Peace Front, KNPP/KA, the Shan State Army-South and the United Wa State Army. However, the country task force on monitoring and reporting has been unable to establish contact with these groups or to directly monitor the presence of children in these groups owing to access restrictions placed on it by the Government. The Karen National People's Liberation Front and the Myanmar National Democratic Alliance Army/Kokang Army, listed in annex I of my 2010 report (A/64/742-S/2010/181), have now been integrated into the Tatmadaw border guard forces (Border Guard Force 1004 and Border Guard Force 1006, respectively). A DKBA breakaway faction has also been integrated into the border guard forces. Further, one case of a child associated with KNU/KNLA was verified in 2010. The boy reported that he performed administrative tasks for the group and that there were two other boys present in the camp.

109. Children in military attire were spotted in the Chin National Front/Chin National Army (CNF/CNA) in Tongzam and Tedim in north-west Chin State. This would be a breach of the CNF "deed of commitment" published on 15 March 2009, in which it reaffirmed that the group does not recruit any persons under the age of 18, and reiterated its commitment to facilitating independent monitoring and to developing a time-bound action plan, in accordance with Security Council resolution 1612 (2005).

110. There were a number of media reports in 2010 of children being killed or maimed during skirmishes involving the Tatmadaw, DKBA, KNLA, KA or Mon Pyi Thit, or by landmines and unexploded ordnance. In a verified case, on 31 March 2010, two boys under the age of 10 accidentally detonated an unexploded round from a M-79 grenade launcher while playing in Hlaingbwe Township in Kayin State. One of the boys died instantly, whereas the second boy was seriously injured. The Tatmadaw, DKBA and KNLA make regular use of M-79 grenade launchers in that area. There were many additional allegations in 2010 of children being directly targeted and killed and maimed by parties to the conflict (the majority of cases reported involving the Tatmadaw and DKBA). The country task forces on monitoring and reporting was unable to verify these cases, owing to access limitations imposed on the task force by the Government of Myanmar.

111. Access to vulnerable groups in many areas of the country, including children, remained limited for United Nations agencies and other international humanitarian

actors in Myanmar. The Government continued to restrict access to various parts of the country, citing security concerns as the main justification for limiting the presence and travel of international (as well as national) personnel of relief agencies. Access was limited in ceasefire and non-ceasefire areas, including mixed administration areas.

112. There have been a number of media reports of attacks on schools or hospitals by the Tatmadaw and DKBA in Kayin State. The country task force on monitoring and reporting has been able to verify only two reports, as access is either severely limited or forbidden by the authorities. These involved an offensive conducted by Tatmadaw Light Infantry Battalions 362 and 367 in Ler Doh Township, Nyunglebin District, Kayin State. Between 3 and 8 February 2010, the battalions caused a large number of people to be displaced and 13 schools with a total of 531 students to be abandoned. Of these schools, a high school and a nursery in Thi Baw Tha, Kwee Lah village tract were destroyed. In addition, Thi Baw Tha Clinic, serving approximately 3,000 people, was burned down. It is unclear whether villagers were able to return to their homes by the end of the reporting period, as access to this region is severely curtailed.

113. The Government shared documents that indicated that from January to May 2010, 43 Tatmadaw soldiers were either warned, demoted, had their pay and allowance cut, received a serious reprimand or were imprisoned in military and civilian jails, in connection with the illegal recruitment of children. This represents a significant increase compared to 2009, when only 22 disciplinary action cases involving military personnel were reported by the Ministry of Defence. However, the country task force on monitoring and reporting, while welcoming and noting the steep increase in sanctions and penalties meted out to perpetrators, remains of the view that this falls short of the urgent need for the Government to systematize disciplinary processes against perpetrators (both military and civilian). As far as the task force is aware, no civilians who may have aided and abetted underage recruitment have faced criminal prosecution. The Government has also failed to take steps to criminalize the recruitment and use of children by non-State armed groups.

114. The country task forces on monitoring and reporting previously reported the welcome development of the Government accepting the principle that underage recruits charged with desertion should be discharged and released from prison on the basis of their illegal recruitment. ILO reports that, to date, 7 (1 in 2010) such imprisoned underage recruits have been released from prison and discharged from the military, with negotiations continuing for the release of another 10 such persons. Unfortunately, the arrests of young "deserters" have continued and no pro-active action to identify such persons currently imprisoned has been taken. Also welcomed is the Government acceptance of the principle that a child recruit attaining the legal age of majority does not legitimize his recruitment, his continued retention in the army or his being charged with subsequent desertion.

115. In 2010, there was a marked increase in reporting of underage recruitment into the country task forces on monitoring and reporting and other child protection organizations. This can be attributed in part to more effective cooperation between the Government and members of the task force on the issue, not only at the national level, but also at local level, where awareness of local officials has been increasing. Reporting has also increased in project areas where broader mechanisms for child

protection have been put in place by local officials with the support of child protection agencies and their local child protection partners.

116. On 4 November 2010, the Government enacted the People's Military Service Law, which, to the knowledge of the country task forces on monitoring and reporting, has not yet entered into force. The law stipulates that men between the ages of 18 and 35 and women between the ages of 18 and 27 may be summoned for military service for a period not exceeding 24 months (or 36 months in the case of a defined class of professional and skilled personnel). The task force remains concerned with the possible implementation of this legislation considering systemic issues for age verification. The Government of Myanmar has not yet signed the Optional Protocol on the involvement of children in armed conflict.

Developments in Nepal

117. The Unified Communist Party of Nepal-Maoist (UCPN-M) took part, as a political party, in the Constituent Assembly elections in 2008, and conflict-related violations against children have subsequently decreased significantly. However, armed elements operating with political and often criminal motives primarily in the southern Terai districts continue to have a serious impact on the overall security situation and have created new protection risks for children and increased their vulnerability to violations. However, no consistent pattern of violations can be established, and perpetrators are often unidentified, given that the situation in the Terai region is fluid and different armed groups quickly form, split and disappear.

118. In 2010, the country task forces on monitoring and reporting documented that 14 children were abducted and 4 were subsequently killed. Of the 14 cases, 12 abductions involved demands for ransom, while the motives of the other two cases were not known. In addition, 20 children sustained injuries caused by improvised explosive devices in different parts of the country. However, it was difficult to determine if the improvised explosive devices were remains from the former conflict or new contamination by the armed elements.

119. Mine risk education programmes led by the Department of Education, the Nepal Police and Armed Police Force, with support from UNICEF, have trained and equipped teachers, Nepal Police officers and Armed Police Force officers in the 25 most affected districts. Some 500,000 schoolchildren and 25,000 security personnel have been educated in avoiding the risks of mines and, importantly, explosive remnants of the conflict, which have caused more casualties than mines have in Nepal. A mine action section was established within the Ministry of Peace and Reconstruction and has commenced its operation as the government focal point for coordinating mine action initiatives.

Developments in the Occupied Palestinian Territory and Israel

120. Eleven Palestinian children were killed and 360 injured (342 boys and 18 girls) in the Occupied Palestinian Territory, including East Jerusalem, in incidents related to the armed conflict. Of the 360 children injured, 58 were under the age of 12; 83 per cent of the injuries occurred in the West Bank, including East Jerusalem, and 17 per cent in Gaza; 302 children were injured by the Israeli security forces, 40 by Israeli settlers, 11 by unexploded ordnance, and 2 by unidentified perpetrators. In addition, five children were injured by mishandling weapons and explosives, including one incident allegedly related to interfactional fighting by Palestinian

armed groups. No Israeli children were killed in 2010 as a result of the conflict, but two were injured, including one as a result of a rocket from the Gaza Strip on 21 December launched by an unidentified Palestinian armed group.

121. There are serious concerns regarding the increasing number of civilians, including children, shot and injured in the so-called Gaza buffer zone imposed by Israel, which covers the area up to 300 metres from the Gaza fence. The exact boundaries of the zone are unclear, given that it is not physically delimited, but is known to be an area where there are clashes between militants and the Israeli security forces. In May 2009, the Israeli Army made a statement indicating that any individual entering the zone would be endangering his or her life. However, Palestinians continue to collect gravel and scrap metal in abandoned settlements and industrial zones near the fence, which they later sell to support their families. In 2010, 40 boys and 4 girls were allegedly injured by Israeli fire in or near the buffer zone. Of those, 26 boys, some as young as 13, were shot while collecting gravel within 800 metres of the fence. In cases where sworn affidavits were taken, 19 children were shot in the leg, 2 in the arm and 1 child was shot in the head.

122. For the third consecutive year, the use of Palestinian children as human shields by Israeli security forces was reported, with three new cases documented in three separate incidents in the West Bank in 2010. A 16-year-old girl and a 13-year-old boy were used as human shields during house searches in two separate incidents in Nablus, and a 14-year-old boy was forced to walk in front of Israeli soldiers as a shield while stones were being thrown at them during clashes in Hebron. In the first prosecution of its kind, on 11 March 2010, two soldiers were charged with using a boy as a human shield during "Operation Cast Lead". The soldiers were convicted by an Israeli military court on 3 October 2010 for "inappropriate behaviour" and "overstepping authority". They were demoted from the rank of staff sergeant to sergeant and given three-month suspended prison sentences. To date, the measures taken by the Israeli security forces to prevent and punish the use of children as human shields have not reflected the gravity of such conduct.

123. As of December 2010, 213 Palestinian children between the ages of 12 and 17 were in Israeli detention or imprisoned by the Israeli security forces, including one girl on conflict-related charges. Two Palestinian children were held in administrative detention without charge or trial in 2010, including one boy having been detained for over 10 months. Of particular concern is the sharp increase in the last quarter of 2010 in the documented cases of arrest of young children in the Silwan neighbourhood of East Jerusalem. There are also increasing reports of violence and mistreatment of children by Israeli soldiers during patrols in Silwan, as well as during the arrest, transfer to detention and interrogation of children from East Jerusalem. According to Israeli police figures, 1,267 criminal files were opened against children accused of throwing stones in East Jerusalem between October 2009 and October 2010.

124. In 2010, 90 cases of ill treatment with regard to the treatment of Palestinian children in Israeli detention were documented by the United Nations and its partners, including through the sworn affidavits of children. Twenty-four of these children were below the age of 15, including two 10-year olds and one 7-year old. In more than 75 of these cases the excessive or extended use of hand-ties and blindfolds were reported, 62 children reported being beaten, 35 children reported position abuse and 16 children were kept in solitary confinement. In three cases,

children reported the use of electric shocks on their bodies and four reported being threatened with electric shocks in the course of their interrogation, which resulted in confessions made under duress. Particularly concerning was the fact that there was an increase in documented cases of sexual violence, with 14 cases (13 boys and 1 girl) in 2010 compared to 9 cases (8 boys and 1 girl) in 2009. The cases involved threats of sexual violence (13 cases) and 1 actual sexual assault through the use of electrical cables on genitals. The high number of instances of such treatment reported and documented suggests that ill treatment of children is common in the Israeli military justice system. There is evidence that some children do not report incidents of ill treatment while in custody, owing to concerns about repercussions for making such complaints, and doubts about the effectiveness of the complaints process.

125. One case of ill treatment of a Palestinian boy by the Palestinian Preventive Security Force was also reported and documented in 2010. The case refers to an incident involving an alleged association with Hamas. The boy was threatened and beaten for the purposes of obtaining a confession. He was released after having been detained in solitary confinement for eight days after having been denied access to a lawyer or to presentation before a judge.

126. There was an increase in the number of attacks on schools and education facilities by Israeli security forces and settlers in 2010 (20 cases), compared to 2009 (9 cases). These attacks resulted in damage to schools or interruption of education, placing the safety of the children in Gaza and the West Bank at risk. The majority of cases involved the presence of Israeli security forces within school compounds following raids, forceful entry, and search and arrest operations, including the use of tear gas on students. There were also three incidents involving air strikes and shelling by Israeli security forces that resulted in damage to four schools in Gaza, although schools did not appear to have been directly targeted in these incidents. There was also an increasing number of incidents in 2010 in which Palestinian students were prevented from accessing schools and had their safety compromised by Israeli security forces. Thirty-six such incidents were documented in the West Bank in 2010, purportedly involving security measures such as road closures searches, harassment or assaults at checkpoints by Israeli authorities and settlers. In other cases, children were exposed to settler violence as Israeli authorities did not provide military escorts to protect children who pass near historically violent settlements and outposts in the West Bank, particularly Hebron. In this regard, the Israeli authorities have not yet responded to the request of my Special Representative for Children and Armed Conflict in February 2009 to investigate the 2008 attack by Israeli settlers of children on their way to the Al-Tuwani School outside Hebron. Furthermore, they have failed to address the broader issue of settler violence against Palestinian children. In addition, the blockade on the Gaza Strip impacts on the availability, accessibility and quality of education in Gaza. Though the situation has improved since the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) commenced building 20 new schools after certain restrictions were lifted, UNRWA was unable to deliver education to a number of Palestinian refugee children owing to a shortage of school space resulting from the restriction on the importation of construction materials to rebuild schools destroyed or damaged during "Operation Cast Lead". Those children are therefore attending Palestinian Authority schools.

127. In 2010, Palestinian armed groups were responsible for eight incidents related to access to education, including two attacks on UNRWA summer schools in Gaza and one incident of a rocket that was fired into Israel and landed near a kindergarten in Ashkelon. Of particular concern was the attack in May on UNRWA summer camps located in Gaza by masked assailants. The attack and intimidation against UNRWA officials, for which no group has claimed responsibility, was apparently intended to have a negative effect on the attendance of the quarter million boys and girls who participated in those summer camps.

128. On 20 June 2010, the Israeli Security Cabinet declared the easing of the Gaza blockade, particularly pertaining to civilian goods and humanitarian access. While this has resulted in some improvement in the entry of construction materials, it amounts to only a fraction of what is needed to meet the humanitarian needs of the population of Gaza. Gaza's health-care system also suffers from a severe lack of adequate equipment and instruments. As a result, patients must seek treatment outside of Gaza. From January to November 2010, while 3,546 out of 3,851 (92 per cent) applications for children who sought medical assistance outside of Gaza were approved, 294 applications were delayed and 11 were denied. Both the delays and denials in processing applications can be life-threatening to child patients who are waiting for urgent medical treatment. Four children, all under the age of 3, died while waiting for the appropriate permits to travel outside of Gaza in 2010.

129. Forced displacement continues to affect the lives of hundreds of Palestinian families. More than 431 Palestinian structures were demolished in 2010 in the West Bank (including Area C and East Jerusalem), including 137 residential structures, leaving homeless at least 594 people, 299 of them children.

Developments in Somalia

130. There has been growing evidence regarding the widespread and systematic recruitment of children in central and southern Somalia, with child recruitment patterns known to be significantly more aggressive on the anti-government elements' side, especially within Al-Shabaab, including the newly merged Hizbul Islam. Partners on the ground consistently reported on the extensive forced recruitment of children by Al-Shabaab, especially in the schools. According to military sources, an estimated 2,000 children were abducted by Al-Shabaab in 2010 for military training in different camps in southern Somalia. An increasingly large number of these children are reportedly used by the insurgent groups to fight against the Government and troops of the African Union Mission in Somalia (AMISOM) in Mogadishu, and, as a result, many of these children are killed, injured or captured by the armed forces or other armed groups. Further, while the recruitment of girls has been rare and is generally regarded as socially unacceptable, there are documented accounts of girls working for armed groups, particularly for cooking and cleaning. Girls are also brought in to transport detonators, provide logistics support and collect intelligence. Girls are also reported to be increasingly recruited for marriage to fighters. In October, Al-Shabaab summarily executed two teenage girls in Beled Weyne whom they accused of spying for the Transitional Federal Government.

131. Despite its official policy not to recruit children into its national security forces, it is reported that children continue to be associated with the Transitional Federal Government and its allied militia, including Ahlu Sunna Wal Jama'a, with

40 cases documented in 2010. Ensuring that no children are de facto recruited or used remains a challenge, particularly when applied to the integration of allied militia into the Transitional Federal Government armed forces. While some vetting procedures are reportedly being implemented by the Transitional Federal Government in Mogadishu to ensure that children are not recruited, gaps remain and to date stringent vetting procedures to assess age are being applied only to those recruits who are being trained outside Somalia. Recruits being trained by the Transitional Federal Government inside Somalia and those being integrated into the Government forces from allied militia groups are not subject to the same stringent vetting standards and procedures. The United Nations remains highly concerned with the lack of progress in the area. The Transitional Federal Government has not yet signed the Optional Protocol on the involvement of children in armed conflict.

132. There were reported cases of children captured by the Government/AMISOM forces on the front line, as well as children who defected, many of whom were recruited from areas other than Mogadishu to fight for the armed insurgent groups. Upon defecting or self-demobilizing, these children find themselves alone in Mogadishu without any family or clan support and exposed to retaliation and re-recruitment. Family tracing and reunification are difficult in the current circumstances and may expose the children and their families to even higher protection threats if they come from areas under the control of insurgent groups. The United Nations recently initiated discussions with AMISOM to address this problem, including through the development of standard operating procedures to ensure that these cases are handled in line with relevant international standards. The Transitional Federal Government also expressed the need for urgent measures and programmes to be established to address the issue of child defectors.

133. There are increasing concerns about the detention of children in the central prison of Mogadishu. For example, between July and October, seven boys were reportedly being detained under different charges, including association with Al-Shabaab. In addition, in Lower Shabelle and Marka, two boys were detained by Al-Shabaab for refusing to join its forces.

134. A total of 222 children were reportedly killed and 592 wounded or maimed in 2010 as a result of being caught in crossfire or mortar shelling during fighting between Transitional Federal Government forces, supported by AMISOM, and armed insurgents, primarily Al-Shabaab and Hizbul Islam, in and around Mogadishu. The number of child casualties is, however, estimated to be much higher according to the International Committee of the Red Cross. In 2010, out of more than 6,000 patients (compared to 5,000 in 2009 and 2,800 in 2008) admitted to Keysaney and Medina Hospitals, the two main referral hospitals in Mogadishu, approximately 40 per cent were women and children. Of particular concern was the recent increase in the number of civilians, among them many children, being killed or injured owing to the use of explosive weapons in populated areas.

135. The number of documented cases of sexual violence against children substantially increased in 2010 (462 cases), compared to 2009 (128 cases) in south-central Somalia, Somaliland and Puntland, the majority of which occurred in Somaliland and Puntland IDP settlements. In south-central Somalia, these violations are committed mainly by members of clan-based militia. The continued fighting has rendered women and children more vulnerable to sexual violence because of displacement, destitution, the breakdown of the rule of law and the emergence of

freelance militias, working under informal local authorities, mostly associated with Al-Shabaab. Most at risk are women and girls living on the streets and in open and unprotected IDP settlements such as those in Bossaso, Galkayo and Hargeisa and along the Afgooye corridor. Further, allegations that Al-Shabaab combatants were systematically forcing girls into early marriages were received in October. Two cases perpetrated by the Transitional Federal Government were also documented.

136. Increasingly, schools, educational establishments, teachers and students are being targeted by Al-Shabaab and other militia groups for recruitment and use in the conflict. In June, Al-Shabaab reportedly ordered teachers and school managers in Lower Shabelle to release more than 300 students to be trained, failing which they would be punished. In south-central Somalia, approximately 52 schools suspended operations and activities in May alone owing to growing demands from the militia groups. In addition, several schools were closed, damaged and destroyed, as well as students killed and injured, owing to clashes between armed insurgents and the Transitional Federal Government forces in Mogadishu.

137. As a result of the intensification of the conflict throughout 2010, the humanitarian and security situations have deteriorated further, with the Office for the Coordination of Humanitarian Affairs estimating that access for aid organizations in southern Somalia was at its lowest point since 2006. The operational environment for the United Nations is extremely restricted as Mogadishu remains inaccessible, except around the airport and the areas controlled by the Transitional Federal Government supported by AMISOM, while access to many southern and central parts of the country remains restricted for United Nations national staff. In 2010, seven international NGOs and one United Nations agency were expelled from south-central Somalia regions. An additional 12 international NGOs in the Lower Juba region suspended their activities in August following a raid by Al-Shabaab into their compounds, affecting approximately 130,000 people requiring humanitarian assistance, particularly children. Local Somali NGOs have been able to continue their work so far without major interruption, although under increasingly difficult conditions.

138. In my annual report on children and armed conflict issued in 2010 (A/64/742-S/2010/181), I raised the concerns about the alleged recruitment of young Kenyan Somali men and boys from North-eastern Province in Kenya, as well as Somali refugees from Dadaab refugee camp, in Kenya, to fight alongside the Transitional Federal Government in Somalia. This concern was raised with the Government of Kenya at the highest levels by the United Nations and other diplomatic missions. As a result, the Government, through its Joint Departmental Committee on Administration and National Security and the Committee on Defence and Foreign Relations, carried out a fact-finding mission to Garissa, Dadaab and Voi, in Kenya, in November 2009. United Nations sources confirmed that a vetting exercise was undertaken and anyone part of the recruitment drive who could not prove being over the age of 18 were removed and returned to their families. The report of the fact-finding mission was presented to the Kenya Parliament on 6 October 2010. It highlighted that young men and boys were susceptible to joining these groups owing to the high levels of poverty and unemployment in the north-eastern region. In addition, the Acting Minister for Foreign Affairs met with my Special Representative for Children and Armed Conflict during her mission to Kenya and Somalia in November 2010, and reiterated the commitment of the Government that necessary protections and safeguards would be implemented at the border and in and

around refugee camps, in conjunction with the Office of the United Nations High Commissioner for Refugees (UNHCR) to prevent the recurrence of such activities. The immediate action and vigilance by the Government of Kenya in investigating these allegations of underage recruitment are welcomed.

139. Children associated with piracy continued to be held in prisons in Puntland. During the year, 10 children convicted were released following the overturning of their sentences by the Bossaso Appeals Court. As of December, three children were in remand.

Developments in the Sudan

140. The number of documented cases of child recruitment and use in 2010 decreased compared to 2009; however, the collection of accurate data continued to be seriously hampered by insecurity and fear of reprisals, lack of access to non-government controlled areas, and movement restrictions imposed by the Government. In addition, difficulty in recording new splinter groups, unclear lines of command, extremely mobile groups, renewed clashes between Government forces and armed groups, especially in the last quarter of 2010, also contributed to underreporting. Notwithstanding these challenges, 113 children were confirmed to have been recruited by the following armed forces and groups: Armed Movement of Liberals and Reform (splinter group of JEM and SLA/Abdul Wahid), Border Intelligence Forces, Chadian armed opposition groups, community policing forces, police forces, Popular Defence Forces, SLA/Abu Gasim, SLA/Historical Leadership (splinter group of SLA/Abdul Wahid), SLA/Abdul Wahid, Sudanese Armed Forces and unknown armed groups. In addition, credible allegations of recruitment and use of children involving more than 150 children by several armed groups in northern and southern Darfur, including SLA/Minni Minawi, SLA/Abdul Wahid, SLA/Historical Leadership, JEM, Central Reserve Police, Border Intelligence Forces, and Chadian armed opposition groups were received by the United Nations. Verification of these cases is ongoing.

141. Within the three States of Darfur, allegations of abduction of children have substantially declined with fewer cases documented in 2010. However, there were continuous allegations of cross-border forced recruitment of children by the Chadian opposition armed groups, JEM and unidentified armed men crossing into Chad and Darfur. UNAMID also documented cases of abductions in non-border regions of Darfur, including that of a girl in Northern Darfur and three boys in Southern Darfur.

142. Ongoing association of children within the ranks of SPLA Division 4 in Duar (Unity State), Division 3 in Wunyik (Northern Bahr el-Ghazal State), Division 5 in Mapel (Western Bahr el-Ghazal State), Division 7 in Upper Nile State, Division 2 in Eastern and Central Equatoria States and Division 8 in Jonglei State were noted in 2010. Further, 42 cases of active child recruitment by SPLA was also confirmed. It has been difficult to determine the exact numbers of children associated with SPLA, given that the children are subject to the constant movement of SPLA troops throughout southern Sudan. Further, in the Transitional Areas, 220 children associated with SPLA in Blue Nile State were verified and registered for demobilization in July, while 8 boys were confirmed to have been recruited by SPLA in Jaw (South Kordofan State) in November. More children are presumed to be present in the ranks of SLA in South Kordofan, although lack of access and

restrictions imposed by the local authorities make it difficult to confirm or verify such allegations. Separately, 25 boys were recruited by the Joint Integrated Units (SPLA and Sudanese Armed Forces) in Wau (Western Bahr el-Ghazal State).

143. Inter-tribal conflicts in Jonglei State and the Equatorias continued to account for the deaths, injuries and abduction of children in 2010; a total of 10 children, including 4 girls, were killed, 2 were injured and 138, including 38 girls, were abducted. During a series of clashes between Murle and Lou-Nuer, the total number of children abducted from both communities reportedly reached as many as 140. In some areas, it was reported that parents took their children into the mountains in an effort to protect them from abduction. Many children remain in the hands of abductors. There has been minimal progress in securing the release of these children, which has been increasingly linked to the outcome of political negotiations between the groups.

144. In Darfur, six children were killed and one was injured as a result of gunshots, grenades or bombs during the year. The violations were attributed to men in uniform or unidentified assailants. The exact number of child casualties from government aerial attacks, during ground fighting between armed groups or during ethnic clashes, could not be determined owing to restrictions and limited access to affected areas. The increase in the number of deaths (8 cases) and injuries (19 cases) of children as a result of unexploded ordnance in 2010 was also of concern.

145. There were verified reports of children being physically abused and ill treated in relation to forced civilian disarmament exercises carried out by SPLA in as many as 10 cattle camps in Southern Sudan. The civilian disarmament exercise is part of the policy of the Government of Southern Sudan for creating an enabling environment for peaceful coexistence of the communities in Southern Sudan. In one incident, approximately 250 children, between the ages of 10 and 17, were separated from the adults, intimidated and beaten in attempts to extract information on the location of their community's arms cache.

146. In 2010, 22 cases of sexual violence against children attributed to members of the military, police personnel, factions of armed groups and militia men in Darfur were documented. As expressed in my report last year (A/64/742-S/2010/181), in most cases, victims and witnesses provide little information on the identity of the alleged perpetrators and the uniforms alone do not always substantiate the alleged perpetrator's affiliation. Monitoring and reporting of this violation remains a challenge as victims, their families and communities are often reluctant to report cases owing to fear of retribution or stigmatization. The Government of the Sudan has asserted that the situation has improved and that it has taken measures to address the concerns as part of due process of law. The Government is encouraged to continue its efforts in this regard and ensure that armed groups also take preventive action against sexual violence.

147. In Southern Sudan, a substantial increase in reported sexual violence and rape cases against girls by SPLA was noted during the year. In two particularly disturbing incidents, 10 girls were raped and sexually assaulted by SPLA soldiers during armed clashes between SPLA and communities in Palal and Tonj (Warrap State) in February; and 23 girls were raped in the Upper Nile State in June and July. Monitoring cases of sexual violence in South Kordofan, Abyei and Blue Nile States remained a challenge as the majority of violations are often not reported to law enforcement or judicial authorities. However, according to the Commissioner of

El Buram locality in South Kordofan State, the local communities are complaining increasingly about sexual violence and the harassment of women and young girls by Sudanese Armed Forces soldiers; the United Nations has not been able to verify this information.

148. The tense security situation and renewed clashes at the end of 2010, attacks against United Nations personnel and assets, and government-imposed restrictions continued to have an impact on the delivery of humanitarian assistance for children. Many areas across Darfur remained difficult or impossible to access for humanitarian actors during 2010. Fighting in early 2010 between armed groups and Government forces in Jebel Marra contributed to the displacement of about 100,000 civilians, including children, and led to the suspension of humanitarian activities in February. Although partial access was granted in August and September 2010 for the delivery of essential health and nutrition items, this did not lead to the full restoration of humanitarian assistance in this area. Activities of the polio campaign and the accelerated immunization campaigns for children, for example, were seriously hampered by the lack of access.

149. In Southern Sudan, humanitarian actors have had largely unrestricted access throughout the reporting period, with the exception of a few isolated incidents. However, access in Western Equatoria State is reduced owing to the prevailing insecurity related to repeated attacks by LRA. With regard to the Transitional Areas, access to the northern part of former western Kordofan State has been difficult owing to restrictions by the Sudanese Armed Forces and the National Intelligence and Security Services claiming that it is outside the ceasefire zone, and therefore outside of the mandate of UNMIS. These restrictions have hampered monitoring activities of suspected recruitment and use of children in this area.

150. In September 2010, the Nyala Special Court tried 11 suspects allegedly being affiliated with JEM and accused of attacking a convoy of the Government of the Sudan in Sanyi Afundu, Southern Darfur. Five of the defendants declared their ages to be between 15 and 17. However, the Court recognized the childhood age of only one (age 16), following the opinion of Sudanese medical authorities, and sentenced him to "reform measures for juvenile delinquents" under article 69 of Child Act 2010. The same medical authorities opposed the age declarations of the remaining four and certified their ages to be between 18 and 21. Subsequently, the judge sentenced all four to death by hanging, together with five other adult defendants. The Government of the Sudan has reaffirmed that all necessary legal remedies will be offered to the accused. The United Nations has appealed to the Government of the Sudan to stay the execution of the death sentence, review the cases and take all necessary measures to protect alleged child soldiers from capital punishment in accordance with national and applicable international law. JEM should halt its practice of recruiting and using children and of placing them at risk.

B. Information on grave violations against children in situations not on the agenda of the Security Council or in other situations of concern

Developments in Colombia

151. The complex humanitarian situation in Colombia is a consequence of a protracted conflict and is aggravated by structural poverty, inequality and the links

between armed groups and illegal activities, including drug production and trafficking, extortion and abduction. Although significant progress has been made by the Government of Colombia in weakening the armed groups, particularly militarily, serious challenges around issues of security and human rights protection remain. In 2010, clashes intensified in departments such as Arauca, Cauca, Córdoba, Meta, Nariño and Norte de Santander, especially affecting children. Persons of African descent and indigenous communities have been particularly vulnerable. Another major consequence of the conflict is the continued displacement of the population; according to official Government information, as at September 2010 there were 61,047 new internally displaced persons, of which 30,488 were children (15,644 boys and 14,844 girls). Non-governmental sources estimate that the number of IDPs is much larger.

152. In July 2010, the Colombian National Economic and Social Policy Council published a document designed to coordinate Government strategies aimed at preventing the recruitment and use of children by armed groups. Government programmes and activities such as the "Protection of Children and Adolescents Demobilized from Armed Groups Operating outside the Law", the Mine Action Programme and the Inter-agency Recruitment Prevention Commission continued under the new Government. Further, the Government initiated a process to actively locate children who informally left armed groups and offer them the necessary protection and the same benefits as offered to those demobilized under the Justice and Peace Law (Law 975). Further, a victims law, which, inter alia, provides for the protection of children and adolescents, is under consideration by Parliament. Although progress has been made by the Government of Colombia, combating impunity for these serious violations remains a challenge of paramount importance.

153. Widespread and systematic recruitment and use of children by armed groups in Colombia continued during the reporting period. Although the actual scale and scope of this violation remains unknown, in 2010, the country task force on monitoring and reporting received information on child recruitment from 19 of the 32 departments in Colombia. In addition, the early warning system established by the Ombudsman, which monitors and flags imminent risks of violations of human rights against civilian populations, including children, identified 43 risk situations in 19 departments, including risks related to child recruitment.

154. FARC-EP and ELN continued to recruit and use children, including for direct participation in hostilities against Government forces. In February, FARC-EP convened a community meeting in Antioquia to obtain a headcount of children in a rural area of the department. It also announced that children above the age of 8 would be recruited. In one characteristic use of children, a child was used by FARC-EP to carry out an attack against a police station using explosives. The explosives were attached to the child and activated as he approached the police station, killing him instantly.

155. Further, according to the Ombudsman office, during 2010, the armed groups Águilas Negras, Ejército revolucionario popular anticomunista de Colombia, Los Rastrojos, Los Paisas and Los Urabeños continued recruiting and using children. The Ombudsman office also detected situations where children were used for intelligence purposes and sexual exploitation in Córdoba and Chocó. These groups, which emerged after the demobilization of the paramilitary group Autodefensas Unidas de Colombia, do not possess a homogenous motivation, structure and modus

operandi. While many are dedicated to common criminal activities, others operate in a manner similar to that of the former paramilitary organizations. Some of the groups have a military structure and chain of command and are capable of exercising territorial control and sustaining military-type operations. Some of these groups have demonstrated their capacity to mutate and, in some instances, to operate jointly. The Government considers all these groups to be criminal gangs.

156. The national armed forces continued to use children for intelligence purposes, in violation of the Code on Children and Adolescents (Law No. 1098) and directives by the Ministry of National Defence. In some instances, children who were separated from armed groups were questioned by members of the security forces to gather intelligence on the armed group they belonged to. Some of those children were held for extended periods in the custody of military forces, longer than permitted by law, instead of being handed over to child protection actors. Between May and June, in Valle del Cauca, members of the Marines sought information about the guerrillas by involving children in the region. In August, in Chocó, national army personnel allegedly questioned four children between the ages of 13 and 16 who had demobilized from ELN to obtain military intelligence. The national armed forces continued to use children in civil-military activities. For instance, in September, children in an indigenous reserve in Valle del Cauca participated in civil-military activities and interacted with the soldiers of the Psychological Operations Task Force. Such activities, when undertaken in conflict-affected areas, may put children at risk and expose them to retaliation by members of armed groups.

157. Children were victims of indiscriminate attacks carried out by armed groups, or as a result of being caught in the crossfire between illegal armed groups or between armed groups and national security forces in 2010. The deaths of children in combat were also reported. Further, according to official sources, 2 girls and 16 boys were injured by landmines between January and November 2010. The country task force on monitoring and reporting verified that 11 children were killed or injured during the same period in Arauca and Antioquia departments alone.

158. During the year, there were massacres and killings, including of children by armed groups considered by the Government to be criminal gangs. Between January and November, 10 massacres were reported in Córdoba. Among the victims, nine were children between the ages of 13 and 17. These cases were attributed to members of Los Rastrojos and other groups. Los Rastrojos is also responsible for killing two boys and a girl in April 2010 in Córdoba department, and for killing a five-member family in Cauca department, including two children aged 2 and 8, in the same month. Such violence has resulted in the forced displacement of populations, including women and children.

159. Cases of extrajudicial executions involving children persisted in 2010 despite the Government's zero tolerance policy for human rights violations and measures introduced by the Ministry of Defence. As for cases of enforced disappearances of children during armed conflict, it has not been possible to determine the total number to date, as official figures on missing persons are not disaggregated by age of the victims.

160. Of particular concern is the commission by the armed groups of grave forms of sexual violence against recruited girls. This phenomenon remains vastly underreported and unnoticed. Girls who are recruited or associated with armed

groups are required to have sexual relations with adults at an early age and are forced to abort if they become pregnant. They are also forced to use methods of contraception that are often inadequate and harmful to their health. Separately, according to the Inter-institutional Committee for Justice and Peace, 677 cases of gender-based violence by former members of Autodefensas Unidas de Colombia, including against children, were documented between 2006 and December 2010 within the framework of the Justice and Peace Law. However, no progress has been made in following up investigations and convictions.

161. Reports have also been received concerning cases of rape and other sexual violence cases against children involving members of the armed forces. All the victims were girls, including as young as 2 years old. However, difficulties persisted in obtaining information on sexual violence against children, as many victims failed to report abuses owing to fear of reprisals by perpetrators or of re-victimization. A lack of adequate institutional response, lack of confidence in the administration of justice and lack of information on care and complaint procedures also contributed to the paucity of information on cases.

162. Serious concerns continued over the occupation of schools by the national security forces in the departments of Antioquia, Arauca, Cauca, Cordoba, and Norte de Santander. The presence of national security forces in or near schools increased the risks of schools being attacked by armed groups, placing the lives of children and teachers in danger.

163. The armed groups have also been reported to occupy schools. Schools were damaged as a result of hostilities and anti-personnel mines and explosive devices planted by FARC. In addition, schools and students were targeted by armed groups for recruitment and use in the conflict.

164. According to the country task force on monitoring and reporting, restrictions on humanitarian access owing to actions of parties to the conflict had seriously jeopardized the delivery of humanitarian assistance, affecting children in particular. The movement of populations in several areas was severely restricted owing to armed confrontations between armed groups and the national armed forces and the establishment of their checkpoints, thus limiting their access to essential food items, health care, education and other basic services. Access of humanitarian actors to those populations was also severely hampered. Areas particularly affected included the departments of Antioquia, Arauca, Cauca, Caquetá, Guaviare, Huila, Meta Córdoba, Nariño and Norte de Santander.

Developments in India

165. Reports of recruitment and use of children by the Maoist armed groups, also known as the Naxalites, especially in some districts in Chhattisgarh State, were received by the United Nations. While noting the absence of reliable data to determine the number of children affected, the Indian National Commission for the Protection of Child Rights, in its policy document of March 2010, pointed to the recruitment and use of children by the Naxalites and Salwa Judum. It also reported that children were being killed and maimed as a direct result of violence. The National Commission for the Protection of Child Rights also highlighted that schools had been targeted and destroyed by Naxalites. Separately, the occupation of schools by security forces was also reported in my last annual report (A/64/742-S/2010/181). On 18 November 2010, the Supreme Court expressed strong

displeasure over the continued occupation of school buildings in Chhattisgarh by security forces. On 18 January 2011, the Supreme Court ordered the Chhattisgarh government to vacate security forces from all educational institutions within four months.

166. The Government of India strongly condemns the acts of the Naxalites. The Government, together with concerned state government authorities, has undertaken specific actions, including awareness-raising programmes through the media, establishing new schools under its programme for universal elementary education (*sarva shiksha abhiyan*) in all villages and ashram schools, and strengthening its integrated child development programme and pre-school education centres in all areas. In November, the Government of India launched a pilot programme (the *Bal Bandhu* scheme) to protect the rights of children in Naxal-affected areas, to be implemented by the National Commission for the Protection of Child Rights in 10 districts of Andhra Pradesh, Assam, Bihar, Chhattisgarh and Maharashtra. The programme has protection, health, nutrition, sanitation, education and safety components. The Government also began efforts to bring development services to affected areas, such as the integrated action plan for 60 Naxal-affected districts. The plan aimed to effect governance reforms and devolve power to grass-root institutions in selected districts over the coming three years.

Developments in Pakistan

167. In 2010, Pakistan continued to experience attacks by armed groups influenced by and/or associated with Taliban or Al-Qaida, including Tehrik-i-Taliban, on Government institutions and civilians, which escalated and expanded beyond Balochistan, Khyber Pakhtunkhwa and the Federally Administered Tribal Areas (FATA) to several major urban centres. Sectarian violence also continued as attacks by armed groups, including the Taliban and Lashkar i Jhangvi, were launched mainly against Shiite processions and mosques. Children have been used by these armed groups to carry out suicide attacks. In one such incident on 25 January 2011, reported by the Government, a teenage suicide bomber carried out an attack near a Shiite procession in Lahore, killing himself and 9 others, and injuring a further 50 people, including several children. In another incident on 10 February 2011, a boy in a school uniform blew himself up at a Pakistani army recruitment centre in the north-western town of Mardan, killing himself and 20 cadets. The Taliban claimed responsibility for those attacks. Further, according to reliable sources, an increasing number of children were allegedly abducted by armed groups throughout the country in 2010.

168. Children also suffered the effects of cross-border recruitment related to the ongoing conflict in Afghanistan. Although there is no systematic monitoring of cases by the United Nations in Pakistan, the country task force on monitoring and reporting in Afghanistan has documented and verified cases of Afghan children recruited and trained in Pakistan by armed groups, including the Taliban. The Malakand-based Sabaoon Academy continued to provide rehabilitation and reintegration support to 150 children who were recruited by the Taliban and other non-State armed groups in Swat Valley and taken into custody by the Pakistan armed forces.

169. Children were victims of indiscriminate attacks in 2010, including suicide bombings, although there were no official figures on the number of children killed

or injured. In two separate incidents reported by the media, children were among the casualties in bomb attacks on a Shiite mosque in November 2010; and on a Shiite procession in Quetta, Balochistan, in September 2010. Lashkar i Jhangvi reportedly claimed responsibility for the latter incident.

170. Reports of drone attacks continued to be reported in FATA in 2010, but no data is available on the number of children killed or injured in those attacks. In general, the number of civilians killed is highly contested. The United Nations does not have access to these sites to undertake any independent verification.

171. Civilian casualties as a result of landmines, unexploded ordnance and improvised explosive devices became a serious concern in Pakistan during 2010. Of the 268 reported incidents, 31 children were injured by these devices. The majority of the reported incidents occurred in Khyber Pakhtunkhwa or FATA, with the remainder occurring in Balochistan.

172. During the year, schools continued to be a target for bomb attacks by armed groups, including the Taliban, who are opposed to secular education and girls' education. In Malakand, in Khyber Pakhtunkhwa province, 273 schools were destroyed and 367 were damaged by bomb attacks, according to the provincial Minister for Education. An additional 70 schools were destroyed or damaged in other affected provinces. In one particular attack in February 2010, an improvised explosive device targeted at a truck carrying Pakistani soldiers travelling to the inauguration of Koto Girls High School in Khyber Pakhtunkhwa detonated near the school, destroying it, which resulted in the deaths of three schoolgirls and the injury of 63 others. Tehrik-i-Taliban Pakistan reportedly claimed responsibility.

173. The Khyber Pakhtunkhwa Child Protection and Welfare Ordinance, which is aimed at addressing legal provisions to protect children from abuse, exploitation, recruitment and other types of violations of their rights, was approved by the Provincial Assembly in 2010. The Government of Pakistan has not yet ratified the Optional Protocol on the involvement of children in armed conflict.

Developments in the Philippines

174. There was an increase in the recorded number of cases of child recruitment and use by armed groups in 2010 (24 children), compared to 2009 (6 children). Of the seven recorded incidents attributed to the Moro Islamic Liberation Front (MILF), the country task force on monitoring and reporting was able to verify four incidents involving eight children carrying automatic weapons and performing military functions in MILF areas of Central Mindanao. Testimony from a 15-year-old child soldier in Maguindanao province confirmed that children, including girls, are being trained by MILF. The task force also continues to receive credible reports of children associated with the New People's Army (NPA) surrendering to the police and Armed Forces of the Philippines. The presence of children among the ranks of Abu Sayyaf Group (ASG) in Sulu and Basilan was also reported by former captives of ASG, although these allegations could not be verified owing to security constraints. The task force verified two cases of children recruited by an armed group called the Black Fighters in North Cotabato. After participating in a series of attacks, including extrajudicial killings, the boys surrendered to police and gave detailed accounts of the group's activities. Several members of the Black Fighters are ex-NPA combatants. The group operates in North Cotabato Province, sometimes reinforcing Government security forces in their operations.

175. Reports indicate that at the local levels, members of the Armed Forces of the Philippines continued to use children for military purposes. A common pattern observed involved children being used in counter-insurgency operations, and often in pursuit of NPA rebels in remote areas of the country. The counter-insurgency strategy, "Oplan Bantay Laya" (Operation Freedom Watch), permits and encourages soldiers to engage with civilians, including children, for military purposes, using them as informants, guides and porters. Three cases involving boys, aged 13, 15 and 16 years old, were verified in 2010. Similarly, the country task force on monitoring and reporting recorded numerous allegations of recruitment and use of children by paramilitary groups, particularly the Citizens' Armed Forces Geographical Unit, who reportedly pressure and coerce children to join their ranks. The Units are locally recruited from their community and their military operations are confined to the municipality where they are formed. They are under the command structure of the Armed Forces of the Philippines, but are loosely supervised.

176. The Armed Forces of the Philippines continued to detain children. Children in detention reported being physically abused, interrogated under extreme duress, subject to ill treatment and subjected to acts tantamount to torture to extract information on insurgents. Four incidents involving four girls and one boy were verified and involved the 11th, 34th, 25th, 54th infantry Battalions of the Philippine army (IBPA). Such incidents also led to the displacement of families for fear of being targeted as alleged members of NPA.

177. While there was a decline in the number of armed encounters between the Armed Forces of the Philippines and MILF in 2010, fighting with other non-State armed actors remained relatively unchanged. An increase in the number of casualties of children in 2010 was documented: 38 children, including 8 girls, were reportedly killed and 40, including 16 girls, reportedly maimed; in 2009, 12 children were killed and 40 injured. Of those, verified incidents implicated NPA, the Armed Forces of the Philippines and private militias of local politicians. The perpetrators were not identified in 13 incidents of killing and 10 incidents of maiming.

178. There has been an upward trend in the number of attacks on schools and hospitals and their personnel in 2010. This may be partially attributed to the use of schools as polling stations during the May and October elections. Forty-one incidents were recorded, compared to 10 in 2009. Of those, 14 were attributed to the Armed Forces of the Philippines, 4 to NPA, 1 to MILF, 2 to ASG, 6 to private militias of local politicians, and 14 to unidentified perpetrators. Schools have been targets of improvised explosive device attacks and burning. In addition, teachers are increasingly targeted; 11 teachers were reportedly killed during the reporting period.

179. There has also been a rising trend of the occupation of schools by the Armed Forces of the Philippines and the Citizens' Armed Forces Geographical Unit in 2010, in contravention of national legislation prohibiting such practice. In remote communities across the country, the Armed Forces of the Philippines and the Unit have been using functioning public school buildings as barracks and command centres, including for storing weapons and ammunition. In some situations, the soldiers were observed approaching children, questioning them and allowing them to handle weapons.

Developments in the southern border provinces of Thailand

180. Reports of child casualties owing to the unrest and violence in the southern border provinces remained a concern in 2010, although exact figures are not available. According to information received, many instances of death and injury of children are due to explosive devices in public spaces or indiscriminate shootings by unidentified armed perpetrators. This covers the far south provinces (Yala, Pattani, Narathiwat) and a part of Songkhla Province.

181. There has been a decline in the number of reported attacks against schools in 2010 (5 attacks), compared to the previous two years. Similarly, a decline in the number of attacks on students and teachers was recorded in 2010 (12 teachers and education personnel killed and 6 injured and 2 students killed and 5 injured). According to the Royal Thai Government, this was owing mainly to security measures implemented by the Government, including the provision of special escorts for children and teachers to and from schools, and to local community cooperation. These efforts aim at enhancing local solidarity and information sharing among heads of schools, religious teachers, government officials and students, as well as raising public awareness of the legal consequences of committing such crimes against students and teachers.

182. The United Nations has received information that points to the alleged involvement of children in activities of non-State armed groups and village defence volunteers (Chor Ror Bor). However, the United Nations country team in Thailand has informed my Special Representative that it is not in a position to monitor, report or verify these allegations, based on its activities in the area. The Royal Thai Government issued, in November 2009, a clear directive to the Governors of the southern border provinces prohibiting the recruitment of children under the age of 18, and stated that no children were associated with the village defence volunteers.

183. The Royal Thai Government has stated that allegations reported in my previous reports of children detained in police and army interviewing centres for their suspected association with armed groups had been addressed. According to the Government, child suspects are detained in these centres through a court order, and interviews are conducted in accordance with international standards. The Government also stated that there had been no cases of child detention in those centres since 2009, though the United Nations in Thailand is not in a position to verify this, despite visits to these centres. On 28 December 2010, the Cabinet lifted the state of emergency in the Mae Lan District of Pattani Province as a result of a systematic review of the Emergency Decree and improvement in the security in the area.

Developments in Sri Lanka

184. Child recruitment has come to an end in Sri Lanka, with the last case reported in October 2009. This is owing both to the defeat and disbanding of LTTE, responsible for most of the child recruitment cases reported in Sri Lanka, and the commitments of the Government of Sri Lanka and TMVP to release children recruited previously by TMVP. Nevertheless, the whereabouts of some children recruited by armed groups remain unknown, including some who are now adults. With regard to LTTE, as at the end of December 2010, the number of persons unaccounted for was 1,373, including 15 who are still children. With regard to TMVP, the total number of pending cases is 13 boys, including 5 who were under

the age of 18 years at the time of the signature of the TMVP action plan. On 30 August 2010, upon the request of the Ministry of Foreign Affairs, the National Child Protection Authority and its police section, an investigation was initiated to establish the whereabouts of the five boys who remain associated with TMVP (former elements of Karuna faction, under the command of Iniya Barrathi). The National Child Protection Authority investigation, completed on 14 January 2011, could not ascertain the whereabouts of these missing persons. This is the case despite the fact that, according to the report of the Special Envoy of my Special Representative for Children and Armed Conflict on his mission to Sri Lanka in February 2008, the abductions by the then Karuna faction took place exclusively in government-controlled areas. The report pointed to the fact that these children spent time in one of several camps of the then Karuna faction near the town of Welikanda (Polonnaruwa district), located in a government-controlled area. The Authority concluded with a recommendation to further investigate on the basis of information provided by families of the missing boys, as well as by a former LTTE member who was reportedly responsible for child abduction and recruitment in the past. The report of the National Child Protection Authority also recommended death certificates be issued for these persons, which, in accordance with Sri Lankan law, can be done once a person has been missing for over seven years. However, these 13 boys were abducted and last seen between 2006 and 2009, which is at most five years ago. It is hoped that Parliamentary Bill No. 52, which allows registration of death after one year owing to terrorist or subversive activities, would not prevent further investigations into these cases. In addition, the National Child Protection Authority investigation did not make any reference to Iniya Barrathi or his involvement in the recruitment or abduction of the missing persons. At the time of writing, no prosecution against persons allegedly responsible for child recruitment has been initiated, and repeated appeals to open a case against Iniya Barrathi for child recruitment by the United Nations country team and the Office of my Special Representative for Children and Armed Conflict have not been actioned.

185. In 2010, 28 incidents related to mine and explosive remnants of war were recorded, killing 5 children and injuring 16, including 5 girls (compared to 12 child casualties in 2009). Nevertheless, the casualty rate remains relatively low, especially in the light of the high level of contamination in returnee areas. The presence of approximately 585 suspicious items were reported by communities, which were subsequently removed by demining agencies during the reporting period.

186. There were allegations of sexual violence across the four districts in the north (Killinochchi, Mullativu, Vavuniya and Mannar) among the displaced communities. Women and girls have reported lack of safety owing to the presence of members of the Sri Lankan Army or local officials, some of whom have been reported to have returned to the communities at night wearing civilian clothes and requesting sexual favours. However, protection monitoring and participatory assessments suggest that incidents of sexual violence remain underreported for fear of retribution by perpetrators.

187. The situation of schools that were occupied and used by the Sri Lanka security forces improved in 2010, although a number of schools remain affected. The schools are used for a variety of purposes, such as barracks for the Sri Lanka security forces, as transit sites for displaced persons who have left the IDP camps but cannot yet return to their places of origin (mostly owing to the presence of mines and explosive remnants of war), or to detain adult "separatees" (persons identified by the Sri

Lanka security forces as formerly associated with LTTE but not formally charged). Sustained advocacy was undertaken with the relevant local and national military and civilian authorities to resolve this issue, and the Government has made repeated commitments to resolve the situation.

188. Access for humanitarian partners is progressively improving, although difficulties continued to be experienced on several occasions. In particular, the strict implementation of Ministry of Defence orders requiring clearances to access conflict-affected areas across the Northern Province for all United Nations agencies, international organizations and international and national NGOs that was implemented in June 2010 delayed implementation of some projects in the region. Following engagement, including with the Presidential Task Force for Resettlement, Development and Security in the Northern Province, the United Nations is now in possession of clearance for six months at a time, and NGOs have obtained permissions for varying durations. However, this process has resulted in delays and disruption in the implementation of some activities at a critical time of the return process of displaced persons, and has had a direct impact on child protection projects. The approval of most child protection projects, including support to communities to prevent, identify and respond to vulnerabilities and issues affecting children, continues to be problematic. On a positive note, following discussions on the Government-led Joint Plan for Assistance for the Northern Province for 2011, child protection activities were included as a priority.

189. The Government established a family tracing and reunification unit for unaccompanied and separated children in Vavuniya (Northern Province) on 22 December 2009. As at the end of December 2010, 662 requests for tracing missing children (including 293 girls) had been filed by parents and families, 21 of which have been reunified and 32 are in the process of reunification. The verification of an additional number of cases is in progress. In 2010, the unit also developed a plan to undertake tracing activities in hospitals, children homes and police posts across Sri Lanka.

Developments in Uganda/regional impact of the Lord's Resistance Army on children

190. The country task forces on monitoring and reporting continued its onsite visits of Uganda People's Defence Forces (UPDF) facilities to verify the implementation of its recruitment policies and ensure compliance in ending child recruitment and use, in line with the action plan regarding children associated with armed forces signed between the Government of Uganda and the United Nations in August 2007. There were no cases of recruitment and use of children by UPDF or the local defence units in 2010.

191. LRA continued to commit violations against children outside Uganda, in the Sudan, the Democratic Republic of Congo and the Central African Republic. Despite repeated calls by the international community to LRA to unconditionally release children in its ranks, no progress has been made to date towards such release.

192. In the south-east, particularly in Mbomou and Haut-Mbomou prefectures and parts of Haute-Kotto prefecture of the Central African Republic, 138 Central African children were abducted by LRA. In 2010, 12 children, including 4 girls (one of them with a baby born in captivity), who escaped from LRA were repatriated to the

Sudan, the Democratic Republic of the Congo and Uganda and reunified with their families with the assistance of the International Committee of the Red Cross. Multiple attacks by LRA on the civilian population during the reporting period, which resulted in the deaths and injury of children, were documented.

193. In the Democratic Republic of the Congo, 49 children were reportedly abducted, recruited and used by LRA in 2010. An additional 233 cases of child abduction by LRA that occurred prior to 2010 were documented as a result of gaining access to zones not previously accessible in Orientale Province. Further, there was an increase in the number of children who escaped from LRA in 2010 (282 children: 146 boys and 136 girls, among which one was from Central Africa and two were from the Sudan), compared to 2008 and 2009, which was partly a result of heightened military operations against LRA during that period. Also, in 2010 only 47 children who were separated from LRA claimed to have been used as combatants, while 244 reported that they were used for forced labour, as opposed to 2009, when the majority of children abducted were reportedly used as combatants. In addition, 96 children reported that they had been victims of sexual exploitation.

194. In Western Equatoria State of Southern Sudan, 27 children, including 21 girls, were abducted by LRA in 2010. Two Sudanese children who returned from LRA captivity had babies. In addition, incidents of LRA attacks resulted in the confirmed killing of two children and the wounding of one child. Nine girls were raped or sexually abused during captivity. A total of 24 children, including 2 Congolese boys, were rescued by SPLA and UPDF during military operations in 2010.

195. Several child protection concerns that pertain to UPDF military offensives against LRA in neighbouring countries (see A/64/742-S/2010/181), in particular with regard to the repatriation of Ugandan children and women rescued or escaped from LRA to Uganda were raised by the United Nations with the Government of Uganda. These concerns were reiterated by my Special Representative for Children and Armed Conflict during her meeting with the Uganda Chief of Defence Forces, General Aronda Nyakayrima, during her visit to Uganda in May 2010. As a result, it was agreed that the United Nations would draft standard operating procedures for the reception and handover of children and vulnerable women separated from LRA in the Democratic Republic of the Congo, the Sudan and the Central African Republic. The draft standard operating procedures were shared with UPDF in September, but the document had not been endorsed at the time of writing the present report. In 2010, the majority (77 per cent) of children and young mothers formerly associated with LRA were repatriated to Uganda through the Chieftaincy of Military Intelligence or through UPDF child protection units, instead of being handed over immediately to appropriate civilian child protection actors. In addition, according to testimonies given by two children, some children stayed for more than two months with UPDF/Chieftaincy of Military Intelligence before being handed over to child protection agencies.

196. In Southern Sudan, repatriation and reintegration activities to support children abducted by LRA are being implemented by the Ministries of Social Development in each State. The support includes the repatriation of children back to their home communities in neighbouring States and border countries, interim care, trauma counselling, family tracing and reunification with families. However, the scope of such activities and the capacity of the United Nations to support the Ministries remains limited owing to funding shortages. There is an urgent need for increased

institutional and human resource capacity to provide these children with psychosocial rehabilitation programmes.

Developments in Yemen

197. The signing of the ceasefire agreement between the Government of Yemen and the Al-Houthi armed group in February 2010 resulted in the de-escalation of the conflict in Yemen, with only sporadic fighting between the parties during the reporting period. Despite the ceasefire and ongoing peace negotiations, 20 per cent of Al-Houthi and 15 per cent of the tribal militia affiliated with the Government, Al-Jaysh Al-Sha'bi, are children. A United Nations partner observed that 75 children have engaged in tribal conflicts in Al-Jawf Governorate and 123 children in Sa'ada Governorate. In the northern governorates, 90 caregivers reported that at least one of their children had participated in the armed conflict. Children have been observed undertaking security functions for both the pro-Government militia and Al-Houthi. It has been reported that boys are mostly used by Al-Houthi armed groups and pro-Government militia in combat and logistical roles and girls in support roles (including food preparation, gathering military intelligence and carrying detonators) and are trained on how to use weapons. Children reportedly joined Al-Houthi and pro-Government militia for ideological, political and/or economic reasons, and allegations of recruitment by forced marriage of girls to members of Al-Houthi and pro-Government militias were received. Fifty-five children reported that they were approached by Al-Houthi to join the armed group. In 2010, the media reported that two child recruits of Al-Qaida in the Arabian Peninsula, including an Iraqi and a German national, were tried by the Special Criminal Court on charges for planning attacks in Yemen. No further information is available on the recruitment and use of children by Al-Qaida in the Arabian Peninsula.

198. The Government has detained children in prisons for their association with Al-Houthi during the six cycles of conflict. During the reporting period, the Government released 34 children from detention, of whom 31 were released as part of the ongoing peace negotiations. At the time of writing, the United Nations did not have access to these children, and therefore has not been able to verify the total number of children detained or released. In addition, there is lack of clarity on the basis of detention of the children.

199. A total of 42 reports of children killed and 55 reports of children injured were received, allegedly a direct result of the fighting between Al-Houthi and pro-Government militia. Additionally, 34 children were killed and 24 sustained serious injuries from explosive remnants of war throughout Yemen in 2010.

200. Credible sources reported that at the end of 2010, some 43 per cent of schools in Sa'ada Governorate were partially or completely destroyed owing to mortar shelling and crossfire during clashes between parties to the conflict. In two separate incidents, unexploded ordnance were sighted in schools in Malaheed in Sa'ada Governorate, and three bombs were found in a girls' school in Aden Governorate.

201. Over 80 per cent of the health-care facilities was either damaged or lost in Sa'ada Governorate as a result of the conflict, which has continued to seriously affect the provision of health care to the community, including to children. In this governorate alone, approximately 35 per cent of health-care structures were partially or completely destroyed owing to mortar shelling and crossfire during clashes between parties to the conflict, and most of the health workforce has migrated

outside the governorate. On 28 November, AQAP kidnapped the Director of Al-Salam Hospital in Sa'ada, which resulted in the closure of the hospital for two days. The hospital had been admitting around 3,000 patients a day.

202. Access by the United Nations and humanitarian agencies to conflict-affected populations in the Sa'ada and Al-Jawf Governorates was problematic during the reporting period, with the Government frequently denying permission for access to humanitarian missions, and, when granted, Government guards refusing passage to United Nations staff and aid convoys at checkpoints on multiple occasions. Tribal groups have also stopped humanitarian missions at checkpoints. Tribal groups and Al-Houthi have looted food and educational supplies en route to these areas and from warehouses. The denial of humanitarian access, combined with extremely high levels of poverty and a lack of health and nutrition services, has had significant consequences for the well-being of children in conflict-affected governorates in Yemen, with a total of 11,931 children found in western districts of Sa'ada Governorate to be suffering from global acute malnutrition.

V. Information on progress made in follow-up to specific requests by the Security Council

A. Action plan templates and guidance

203. The Office of my Special Representative, in close consultation with partners, including the Department of Peacekeeping Operations and UNICEF, developed guidance on resolution 1882 (2009) and subsequent action plans, as requested by the Security Council. These action plans will be implemented in the field in the coming months in situations of concern where parties have been listed in my last report on children and armed conflict (A/64/742-S/2010/181) for the killing and maiming of children and/or for sexual violence against children. A similar process is currently in place to ensure updated guidance on the recruitment and use of children that would take into consideration best practices since the adoption of resolution 1539 (2004).

B. Update on Security Council resolutions 1882 (2009), 1888 (2009) and 1960 (2010)

204. My Special Representative for Children and Armed Conflict is currently consulting closely with my Special Representative on sexual violence in conflict and other partners on ways to coordinate their work on monitoring and reporting on sexual violence and the listing and de-listing of parties. As requested by the Security Council in its resolution 1960 (2010), such arrangements will retain the integrity of the children and armed conflict monitoring and reporting mechanism. Field partners have also expressed the need to retain the separate focus of each mandate. Discussions are ongoing on increased collaboration at Headquarters and field levels to enhance prevention and response activities on sexual violence. This includes the possibility of working towards a common system of information gathering on the area where the two mandates overlap.

C. Communication with sanctions Committees

205. The Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo for the first time invited my Special Representative for Children and Armed Conflict to brief the Committee in May 2010. As a result, several individuals were included on the Committee's list of individuals and entities against whom targeted measures will be imposed on the basis of verified information regarding, inter alia, their recruitment and use of children. Further, on 2 December, the Security Council imposed sanctions on Forces armées de la République démocratique du Congo Colonel Innocent Zimurinda for grave violations against children, including the recruitment and use of child soldiers, the killing and maiming of children, sexual violations and denial of humanitarian access.

206. It will be important to build on the precedent set in the context of the Democratic Republic of the Congo. Possibilities should also be explored for a similar focus on grave child rights violations by other thematic committees. It is also important to consider ways by which sanctions may be imposed in contexts where there are no existing Security Council sanctions Committees.

D. United Nations regional strategy on the protection of children affected by LRA

207. Following the conclusions of the Security Council Working Group concerning the situation in Uganda of June 2010 and the request of my Special Representative for Children and Armed Conflict to strengthen cross-border reporting on the effects of LRA on children, a joint meeting of the Department of Peacekeeping Operations, UNICEF and the Office of my Special Representative took place in January 2011 to finalize modalities for such reporting and identify reporting focal points throughout the region. From its office in Uganda, UNICEF, on behalf of the country task force on monitoring and reporting, will coordinate joint reporting from country task forces in the Central African Republic, the Democratic Republic of the Congo, South Sudan and Uganda. All relevant departments and agencies, including military advisers and disarmament, demobilization and reintegration specialists will contribute to the monitoring and reporting arrangements.

E. Security Council Working Group visit to Nepal

208. The Security Council Working Group on children and armed conflict, led by the Mexican Chair, visited Nepal from 21 to 26 November 2010, at the invitation of the Government of Nepal. The purpose of the visit was to follow up on the action plan of December 2009 signed by the UCPN-M, the Government of Nepal and the United Nations to separate and reintegrate minors associated with the UCPN-M; assess remaining challenges and issues for monitoring and reporting under resolutions 1612 (2005) and 1882 (2009), with special attention to the Terai region; and interact and obtain first-hand information on the situation of children affected by the conflict in Nepal. The Working Group was able to meet with senior Government officials, Maoist leadership and the United Nations, its partners and children themselves.

209. A number of commitments were made to the Working Group Chair and delegation by the Government of Nepal and UCPN-M. The Prime Minster of Nepal indicated his appreciation for the working methods of the Working Group and identified the plan of action as a key step in the fulfilment of the Nepal peace process. The Nepal army committed itself to increasing the training of its personnel on the protection of children in line with United Nations peacekeeping policy. UCPN-M Chair Dahal agreed to significantly strengthen coordination with the United Nations monitoring team in order to address the remaining challenges in fulfilling the action plan. On behalf of the Government, the Ministry of Peace and Reconstruction also committed to approve and implement the National Plan of Action for Reintegration of Children Affected by Conflict. The delegation was also briefed on the concerns of key partners, specifically on the protection of children in the Terai region and the longer-term rehabilitation needs of the thousands of children associated with armed groups or otherwise affected by the conflict.

F. Provision of administrative and substantive support to the Security Council Working Group

210. In response to the call of the Security Council in its resolution 1882 (2009), and presidential statements (S/PRST/2010/10, S/PRST/2009/9 and S/PRST/2008/28), a working arrangement is now in place within the Secretariat to provide additional administrative and substantive support for the Council's Working Group on children and armed conflict. This arrangement was established within existing resources, and I hope it will facilitate the work of this subsidiary organ in meeting the expectations of the Council.

VI. Attacks on schools and hospitals

211. As evidenced in this and previous reports, attacks against schools are a significant concern and a growing trend. The infrastructure of schools have been physically destroyed by armed actors, and students and education personnel have been attacked, threatened or intimidated. In some situations, girls and girls' schools have been specifically targeted. The use of schools by armed elements has, in certain circumstances, compromised the civilian nature of schools and put students at risk.

212. Hospitals have also born the brunt of conflicts around the world, with physical attacks or threats of attacks on personnel or infrastructure leading to the disruption of the delivery of health services and/or the closure of hospitals. Looting of medical equipment by parties to conflict has also been documented. Access to medical facilities has also been an issue in a number of conflicts, with children and other vulnerable populations being denied access through restriction of access or intimidation by parties to conflict.

VII. Recommendations

213. I am concerned by the increasing trend of attacks against schools and hospitals, and I encourage the Security Council to further ensure that such facilities remain protected, including by calling on all parties to conflict to respect and take

all possible measures to protect these crucial institutions and their personnel (and, in the case of schools, their students) and to ensure the functioning of schools and hospitals. Special attention should be paid to the protection of girls' access to schools and hospitals, given the increasing targeting of such facilities in some countries.

214. While acknowledging that equal weight should be given to all grave violations against children, and taking into account the ever-increasing need to protect schools and hospitals, as noted in the present and previous reports, it is recommended that the Security Council consider expanding the gateway to the annexes of my report to include parties that attack schools and/or hospitals.

215. I welcome the signing of action plans by SLA-Free Will and SLA/Mother Wing (Abu Gasim) in the Sudan and the Afghan National Security Forces, as well as the progress made by parties in releasing children, and in addressing impunity for perpetrators, through investigations and prosecution. I strongly urge parties who have been listed in my previous reports for recruitment and/or use of children, killing and/or maiming of children and/or sexual violence against children who have not concluded action plans to do so without delay, in conjunction with United Nations country task forces.

216. I encourage concerned Member States to facilitate contact between the United Nations and non-State actors to ensure broad and effective protection for children, including for purposes of concluding action plans in accordance Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009). Such contact will not prejudge the political or legal status of those non-State actors.

217. The Security Council is encouraged to continue considering the application of targeted measures against persistent perpetrators of grave violations against children who are listed in my annual reports. These measures include designating child protection criteria in the renewal or establishment of mandates of relevant sanctions Committees; requesting specific child protection expertise in its expert groups; and including systematic information on violations against children in its reports, recommendations and referral of recommendations of its Working Group on children and armed conflict to relevant sanctions Committees; and, when appropriate, seeking the expert advice of my Special Representative.

218. I urge the Security Council to ensure that specific provisions for the protection of children continue to be included in all mandates of United Nations peacekeeping operations, as well as Special Political Missions and peacebuilding missions. The Security Council should furthermore ensure that the mandate is appropriately resourced.

219. I further call on the Security Council to strongly encourage troop- and police-contributing countries to include child protection in their predeployment training.

220. Reports of child casualties in the course of military operations continue to be of concern, and I remind all parties to conflict and mandated international forces of their obligations under international humanitarian and human rights law. I strongly urge them to ensure that they continuously review tactical directives to ensure that children are not harmed.

221. The detention of children on grounds of association with armed groups, including threats of violence against or ill treatment of children for intelligence-

gathering purposes, is a growing trend, and I would invite the interested authorities to work with my Special Representative for Children and Armed Conflict to devise appropriate measures to better protect these children.

222. Sexual violence against children in conflict remains a growing concern. My Special Representative for Children and Armed Conflict will continue to work closely with my Special Representative on Sexual Violence in Armed Conflict and other parts of the United Nations system and its partners to ensure the swift implementation of the monitoring and reporting arrangements under Security Council resolutions 1882 (2009) and 1960 (2010), and to engage with the broad spectrum of partners working on child protection and sexual violence to ensure adequate protection for girls and boys.

223. I urge the donor community to address, as a matter of priority, the funding gaps for the implementation of action plans and sustainable long-term reintegration needs. I further encourage the donor community to ensure adequate resourcing for the implementation of monitoring, reporting and response in monitoring and reporting mechanism-implementing countries.

224. I welcome the universal ratification campaign of my Special Representative for Children and Armed Conflict, UNICEF and the Office of the United Nations High Commissioner for Human Rights to encourage Member States that have not done so to sign and ratify or accede to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, enacting legislation that explicitly prohibits the recruitment of children under 18 years of age into armed forces or armed groups and their use in hostilities, taking measures to implement the recommendations of the Committee on the Rights of the Child and submitting timely reports under the Optional Protocol to the Committee.

VIII. Lists in annexes to the report[6]

225. The present report contains two annexes.[7] Annex I contains a list of parties that recruit or use children, kill or maim children and/or commit rape and other forms of sexual violence against children in situations of armed conflict on the agenda of the Security Council, also bearing in mind other grave violations and abuses committed against children. Annex II contains a list of parties that recruit or use children, kill or maim children and/or commit rape and other forms of sexual violence against children either in situations of armed conflict not on the agenda of the Security Council or in other situations of concern, also bearing in mind other grave violations and abuses committed against children.

226. It should be noted that the annexes do not list countries as such. The purpose of the lists is to identify particular parties to conflict that are responsible for specific grave violations against children. In that regard, the names of countries are referred to only in order to indicate the locations or situations where offending parties are committing the violations in question.

[6] Pursuant to Security Council resolution 1612 (2005), the present report is guided by criteria for determining the existence of an armed conflict found in international humanitarian law and international jurisprudence; reference to a situation of concern is not a legal determination, and reference to a non-State party does not affect its legal status.

[7] The parties are listed in alphabetical order in the annexes.

Annex I

List of parties that recruit or use children, kill or maim children and/or commit rape and other forms of sexual violence against children in situations of armed conflict on the agenda of the Security Council, bearing in mind other violations and abuses committed against children

Parties in Afghanistan

1. Afghan National Police[a]
2. Haqqani network[a,b]
3. Hezb-i-Islami of Gulbuddin Hekmatyar[a,b]
4. Jamat Sunat al-Dawa Salafia[a]
5. Latif Mansur Network[a]
6. Taliban forces[a,b]
7. Tora Bora Front[a]

Parties in the Central African Republic

1. Armée populaire pour la restauration de la République et de la démocratie (APRD)[a]
2. Convention des patriotes pour la justice et la paix (CPJP)[a]
3. Forces démocratiques populaires de Centrafrique (FDPC)[a]
4. Lord's Resistance Army (LRA)[a,b,c]
5. Mouvement des libérateurs centrafricains pour la justice (MLCJ)[a]
6. Self-defence militias supported by the Government of the Central African Republic[a]
7. Union des forces démocratiques pour le rassemblement (UFDR)[a]

Parties in Chad

1. Armée nationale tchadienne, including newly integrated elements[a]
2. Justice and Equality Movement[a]

Parties in the Democratic Republic of the Congo

1. Forces armées de la République démocratique du Congo (FARDC), including recently integrated elements from various armed groups, including Congrès national pour la défense du peuple (CNDP), formerly led by Laurent Nkunda as well as elements currently led by Bosco Ntaganda[a,c]

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[a] Parties that recruit and use children.
[b] Parties that kill and maim children.
[c] Parties that commit rape and other forms of sexual violence against children.

2. Forces démocratiques de libération du Rwanda (FDLR)[a,c]
3. Forces de résistance patriotique en Ituri/Front Populaire pour la Justice au Congo (FRPI/FPJC)[a,c]
4. Front nationaliste et intégrationaliste (FNI)[a,c]
5. Lord's Resistance Army (LRA)[a,c]
6. Mai-Mai groups in North and South Kivu, including Patriotes résistants congolais (PARECO)[a,c]

Parties in Iraq

1. Al-Qaida in Iraq, including its armed youth wing, "Birds of Paradise" [a,b]
2. Islamic State of Iraq[b]

Parties in Myanmar

1. Democratic Karen Buddhist Army (DKBA)[a]
2. Kachin Independence Army (KIA)[a]
3. Karen National Liberation Army (KNLA):[a] this party has sought to conclude an action plan with the United Nations in line with Security Council resolutions 1539 (2004) and 1612 (2005), but the United Nations has been prevented from doing so by the Government of Myanmar
4. Karen National Union-Karen National Liberation Army Peace Council[a]
5. Karenni Army (KA):[a] this party has sought to conclude an action plan with the United Nations in line with Security Council resolutions 1539 (2004) and 1612 (2005), but the United Nations has been prevented from doing so by the Government of Myanmar
6. Shan State Army-South (SSA-S)[a]
7. Tatmadaw Kyi, including integrated border guard forces[a]
8. United Wa State Army (UWSA)[a]

Parties in Nepal

Unified Communist Party of Nepal-Maoist (UCPN-M)[a]

Parties in Somalia

1. Al-Shabaab, including newly merged Hizbul Islam[a,b]
2. Transitional Federal Government (TFG)[a,b]

Parties in the Sudan

Parties in southern Sudan

1. Lord's Resistance Army (LRA)[a,b,c]
2. Sudan People's Liberation Army (SPLA)[a]

Parties in Darfur

1. Chadian armed opposition groups[a]
2. Police forces, including the Central Reserve Police and Border Intelligence Forces[a]
3. Popular Defence Forces[a]
4. Pro-Government militias[a]
5. Sudanese Armed Forces[a]
6. Parties signatories to the Darfur Peace Agreement:
   (a) Justice and Equality Movement (Peace Wing)[a]
   (b) Movement of Popular Force for Rights and Democracy[a]
   (c) Sudan Liberation Army (SLA)/Mother Wing (Abu Gasim)[a]
   (d) Sudan Liberation Army (SLA)/Free Will[a]
   (e) Sudan Liberation Army (SLA)/Minni Minawi[a]
   (f) Sudan Liberation Army (SLA)/Peace Wing[a]
7. Parties not signatories to the Darfur Peace Agreement:
   (a) Justice and Equality Movement (JEM)[a]
   (b) Sudan Liberation Army (SLA)/Abdul Wahid[a]
   (c) Sudan Liberation Army (SLA)/Historical Leadership[a]
   (d) Sudan Liberation Army (SLA)/Unity[a]

Annex II

List of parties that recruit or use children, kill or maim children and/or commit rape and other forms of sexual violence against children in situations of armed conflict not on the agenda of the Security Council, or in other situations of concern, bearing in mind other violations and abuses committed against children

Parties in Colombia

1. Ejército de Liberación Nacional (ELN)[a]
2. Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP)[a]

Parties in the Philippines

1. Abu Sayyaf Group (ASG)[a]
2. Moro Islamic Liberation Front (MILF)[a]
3. New People's Army (NPA)[a]

Parties in Sri Lanka

Tamil Makkal Viduthalai Pulikal (TMVP) (Iniya Barrathi faction)[a]

Parties in Uganda

Lord's Resistance Army (LRA)

Parties in Yemen

Al-Houthi rebels[a]

Pro-Government tribal militia[a]

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[a] Parties that recruit and use children.

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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Promotion and protection of the rights of children

Elimination of racism, racial discrimination, xenophobia and related intolerance

Responsibility of States for internationally wrongful acts

Security Council
Sixty-sixth year

Letter dated 15 April 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

As I informed you in my letter dated 11 March 2011 (A/65/780-S/2011/132), on 8 March 2011, as a result of the ceasefire violation by the armed forces of the Republic of Armenia, Fariz Badalov, a nine-year-old resident of the village of Orta Garvand of the Agdam district of the Republic of Azerbaijan, was shot dead by an Armenian sniper. In accordance with instructions received from my Government, I have the honour to transmit herewith the information of the Office of the Prosecutor General of the Republic of Azerbaijan regarding the investigation of this crime, the results of which irrefutably prove the responsibility of the armed forces of the Republic of Armenia for the intentional killing of an Azerbaijani child (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 34, 39, 64, 66 and 75, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

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Annex to the letter dated 15 April 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

[Official Russian text]

Information concerning the results of an investigation of the killing of an Azerbaijani citizen, Fariz Badalov, by the Armenian armed forces

On 8 March 2011 at about 1600 hours local time, Armenian armed forces opened fire from positions in the occupied village of Shykhlar in the Agdam district of the Republic of Azerbaijan. As a result of this, a resident of the village of Orta Garvand in the Agdam district, Fariz Badalov, born 2002, who at the time was playing with other children in the yard of his home, received a bullet wound to the head and died on the way to hospital.

The next day, the Office of the Public Prosecutor of the Agdam district instituted criminal proceedings for the commission of a crime under article 120.1 of the Criminal Code of the Republic of Azerbaijan.

An investigation established that the house where Badalov lived is in the south-western part of the village of Orta Garvand and is the house closest to the area of the front through which runs the line of contact with the Armenian armed forces.

The distance between the house and the Armenian armed forces' positions is about 1,000-1,200 metres. Since the rear part of the house abuts on to a large area of fields, the distance from the Armenian armed forces' positions can be clearly seen. Furthermore, there are no natural or artificial obstacles that might limit visibility.

The observation log of the command post of the military unit of the Ministry of Defence of the Republic of Azerbaijan deployed in the Agdam district recorded that on 8 March 2011, firing from the Armenian armed forces' positions located on the side facing the command post occurred three times at 1530 hours and once from a sniper's rifle at 1620 hours. This is confirmed by the testimony of witnesses questioned in the prosecution of the case.[1]

According to the conclusions of the forensic medical examination performed for the prosecution, wounds were found on Badalov's body in the areas of the left temple and the right side of the crown, together with fragments of bone from the skull and puncturing and destruction of the brain tissue. The description was a single wound resulting from the action of a bullet fired from a firearm. The cause of Badalov's death was the fragmenting of the skull bone and the puncturing and destruction of the brain tissue as a result of the wound from the firearm. An examination of the wound's entry and exit openings confirmed that the shot had been from a long distance.

According to the conclusions of the forensic examination and ballistic report for the prosecution, the shot was fired from a long distance from a rifled firearm. It

[1] Earlier reports concerning the time of the violation of the ceasefire on 8 March 2011 by the armed forces of the Armenian regime and the killing that day of Fariz Badalov have been clarified based on additional information obtained through the investigation.

appears that Badalov's wound was the result of the impact of a 7.62 mm cartridge that contained copper.

In the course of the examination it was established that the injuries that caused Badalov's death are typical in cases involving shots of this kind from snipers' weapons.

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Report of the Secretary-General on the implementation of the Darfur political process

I. Introduction

1. The present report is submitted pursuant to the statement by the President of the Security Council of 9 February 2011 (S/PRST/2011/3), in which the Council requested that I provide a report by the end of February 2011 on issues related to the Darfur political process, including an assessment of the enabling environment. I rely on the Council's understanding for the late issuance of the report, which is due to the ongoing discussion among stakeholders on the way forward and its impact on the peace process in Darfur.

2. The present report provides an overview of the background to the Darfur political process, the status of the negotiations taking place in Doha towards an inclusive and comprehensive peace agreement, the role of the Darfur political process in bringing peace to Darfur, the enabling environment for the process and my observations and recommendations on the way forward.

II. Background to the Darfur political process

3. It will be recalled that the initiative to hold the Darfur political process arose from the consultations conducted by the African Union High-level Panel on Darfur in the preparation of its October 2009 report on the quest for peace, justice and reconciliation in Darfur. After extensive consultations with Darfurian constituencies, the Panel concluded that the Darfur conflict could be resolved only through a renewed approach to peace that conformed to three principles, namely, that peace must be inclusive and must involve all stakeholders in Darfur; that peace must fully address the multiple dimensions and layers of the conflict and must include the establishment of peace at the local level; and that peace must be sensitive to the broader national context, taking into account the wider national challenges facing the Sudan. The United Nations fully agrees with these principles.

4. At its meeting held on 29 October 2009, the Peace and Security Council of the African Union endorsed the Panel's report and recommendations and decided that they would form the basis of African Union engagement in Darfur and of its interaction with its international partners. At the fourteenth ordinary session of the African Union Summit, held from 25 January to 2 February 2010, the African Union Heads of State and Government endorsed that decision.

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5. It will be recalled that in its press statement dated 21 December 2009, the Security Council welcomed the report, underlined its appreciation of the balanced and comprehensive nature of the recommendations to promote peace, justice and reconciliation in Darfur and the Sudan as a whole and looked forward to the implementation of a holistic approach to the problems facing the Sudan. The Council agreed that the causes and consequences of the conflict in Darfur had yet to be addressed and reiterated its support for the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the efforts of the United Nations-African Union Joint Chief Mediator, Djibril Bassolé, to promote a lasting political settlement of the conflict, and called upon the Government and other parties in the Sudan and the region to work with President Mbeki and his colleagues, in coordination with the international community as appropriate.

6. It will also be recalled that in its resolution 1935 (2010), the Security Council demanded that all parties to the conflict enter into talks under the mediation of the Joint Chief Mediator, with a view to completing an inclusive and comprehensive agreement in order to bring a stable and durable peace to the region. The Council also reaffirmed the importance of promoting the African Union/United Nations-led political process for Darfur and, in that regard, underlined the need for the systematic and sustained engagement of all Darfurian stakeholders, including newly elected officials, civil society, including women and women-led organizations, community groups and tribal leaders, in order to create a conducive environment for peace and security through constructive and open dialogue. The Council also welcomed the priority given to the continuing efforts of UNAMID to promote such engagement in support of and as a complement to the work of the Joint Chief Mediator and the African Union/United Nations-led political process for Darfur, and welcomed the work of the African Union High-level Implementation Panel for the Sudan in that regard.

7. At its meeting on 20 January 2011, the African Union Peace and Security Council reiterated the importance of the prompt commencement of the Darfur political process as an important mechanism in enabling the people of Darfur to participate fully in resolving their political conflicts. It underlined the need to create an environment that enabled, inter alia, the protection of the civil and political rights of participants so that they could exercise their views without fear of retribution; freedom of speech and assembly to permit open consultations; freedom of movement of participants and UNAMID; and proportional participation among Darfurians. The African Union Peace and Security Council also noted that any positive outcome of the Doha negotiations should form the basis of the Darfur political process, which would provide the required inclusive forum.

8. On 18 February 2011, the Joint Special Representative for UNAMID, Ibrahim Gambari, convened a retreat of the special envoys and representatives of Member States and United Nations partners in Nyala (Southern Darfur). The participants agreed that the Darfur political process would, through extensive and sustained engagement with the people of Darfur, enhance popular support for a peace agreement and better enable them to participate in the implementation of the outcomes of the Doha negotiations. They stressed that the establishment of an enabling environment for this process, which would include freedom of movement, assembly and expression for all participants, as well as freedom from harassment, arbitrary arrest, intimidation and interference by the Government or armed movements, would be essential for the credibility of the Darfur political process.

The participants also looked forward to further clarification on the process as it took shape, pending the outcome of the Doha process.

9. At its meeting on 8 April 2011, the African Union Peace and Security Council reviewed the situation in the Sudan in the light of a briefing by the Joint Special Representative, a presentation by former President Thabo Mbeki on behalf of the African Union High-level Implementation Panel and a statement by the Government of the Sudan. The Council called for the immediate commencement of the Darfur political process, with a proposed date of 1 May 2011, and requested UNAMID to make all necessary preparations for the process as a matter of priority, emphasizing that it should proceed concurrently with and as a complement to the negotiations in Doha.

10. The Council expressed its regret that the necessary coordination and harmonization among the Doha process, the Darfur political process and other African Union policies had not yet been achieved and requested the African Union Commission to issue instructions to the Joint Chief Mediator to consult with it and the African Union High-level Implementation Panel before taking any further decisions, especially regarding any extension of the Doha peace process. The Council further requested that the Joint Chief Mediator provide a comprehensive report on his activities and any future plans by 30 April 2011.

11. The Council noted that an expedited and coordinated conclusion to the Doha peace process was particularly important in view of the Sudanese national timetable, which included the independence of Southern Sudan on 9 July 2011, and the subsequent adoption of a permanent national constitution. It stressed that Darfur was an integral part of the Sudan and that it was essential to accelerate the peace process and the political process in Darfur so that the national political process was not delayed and the people of Darfur were not left behind.

12. The Council also welcomed the stated commitment of the Government of the Sudan to contribute to the creation of an enabling environment for the Darfur political process, including by suspending the state of emergency in Darfur. It called on all Darfurian communities, stakeholders, political parties and armed movements to participate in the process, which should enjoy the confidence of all the people of Darfur.

13. The Council encouraged the Government of the Sudan and other stakeholders to implement the recommendations of the report of the African Union High-level Panel on Darfur as necessary, in particular in the fields of justice, reconciliation and security. It also requested the Security Council to continue to strengthen its partnership with and support to the African Union, under the leadership of the African Union High-level Implementation Panel, in resolving the Sudan's political challenges in accordance with the fundamental principles of the United Nations and the African Union.

III. Status of the Darfur negotiations in Doha

14. The parties to the negotiations in Doha, namely the Government of the Sudan, the Justice and Equality Movement and the Liberation and Justice Movement, are currently discussing a set of draft texts that will serve as a framework for a final comprehensive agreement. The texts are based on the outcomes of negotiations,

talks and consultations, including with stakeholders, representatives of the larger civil society and international partners. They include six chapters covering wealth-sharing; compensation and the return of internally displaced persons and refugees; justice and reconciliation; human rights and fundamental freedoms; power-sharing; and security arrangements. All three parties have submitted their positions on these texts to the mediation team, with no substantive disagreement. They are now considering and discussing the final texts on power-sharing and security arrangements. The mediation team then plans to review the entire text in the light of the positions of the parties and, where there are divergences, recommend compromise language. The Joint Chief Mediator intends to hold a conference of all Darfur stakeholders (the "Darfur Stakeholders Conference") from 28 April to 3 May to discuss and jointly endorse the full text as a peace agreement/framework on Darfur. The conference will also provide an opportunity for the mediation team to seek international support for the implementation of the agreement.

15. In the meantime, the Liberation and Justice Movement and the Justice and Equality Movement have reaffirmed their commitment to the negotiation process and have noted their intent to work together on reaching a comprehensive settlement of the conflict. The Justice and Equality Movement has also indicated that it has reached out to the Sudan Liberation Army (SLA)-Abdul Wahid and SLA-Minni Minawi factions to join the process. When the Joint Special Representative met him on 21 March, Abdul Wahid stated that he would not join the peace negotiations in Doha or, for that matter, any peace talks, until his preconditions had been met. Nevertheless, five of Abdul Wahid's military commanders have indicated to the Joint Chief Mediator that they intend to meet with Mr. Wahid in the coming days in order to convince him to join the talks in Doha. If they fail to do so, they will proceed to Doha without him.

IV. Role of the Darfur political process in bringing peace to Darfur

16. As noted above, the Darfur political process was envisaged as a forum to enable the extensive and sustained engagement of the people of Darfur in the processes necessary to resolve the political conflict in Darfur. It was envisaged that the process would enhance popular support for the outcome of the negotiations in Doha and better enable the people of Darfur to participate in their implementation, which is essential for their success in the long term.

17. Issues related to the sequencing and complementarity of the Darfur political process and the Doha peace negotiations have yet to be fully clarified. As noted above, the special envoys and representatives of Member States who attended the 18 February retreat of the Joint Special Representative stated that they would welcome further clarification on the process as it took shape, pending the outcome of the Doha process. As reflected in its communiqué of 8 April 2011, the African Union Peace and Security Council is of the view that the Darfur political process should be implemented as a matter of priority, concurrently with and as a complement to the negotiations in Doha. While all agreed that the processes were complementary, they disagreed on whether they should be held sequentially or concurrently.

18. In the meantime, a Darfur political process secretariat has been established at the UNAMID headquarters to oversee implementation. The secretariat comprises representatives of many UNAMID sections, including political affairs, civil affairs, human rights, gender advisory, humanitarian liaison, Darfur-Darfur dialogue and consultation, legal affairs, rule of law, the joint mission analysis centre, security, the joint logistics operations centre and mission support, as well as staff of the African Union High-level Implementation Panel. The secretariat is responsible for strategic planning and management of the Darfur political process; overseeing its implementation by sector-level staff; and monitoring and maintaining an overview of substantive discussions during the process. The secretariat is responsible for, inter alia, analysing and reporting on the enabling environment. It reports directly to the Joint Special Representative and the chair of the African Union High-level Implementation Panel. Darfur political process sub-units are also being established at each sector office, in El Fasher, Nyala, El Geneina and Zalengei.

19. Participants in the process will include representatives of such relevant stakeholder groups as women, pastoralists, native administrations, internally displaced persons, refugees, civil society organizations, young people, religious leaders, political parties and elected representatives in the Darfur state legislatures and the National Assembly.

20. While there will also be an opportunity for the armed movements to participate, they (including the Justice and Equality Movement, SLA-Minni Minawi and SLA-Abdul Wahid) have expressed reservations, alleging that the process and its outcome would be unduly influenced by the Government. For its part, the Liberation and Justice Movement has expressed support for the Darfur political process, but only after the full conclusion of the negotiations and a signed agreement. The armed movements would nevertheless have a responsibility to demonstrate their commitment to peace in Darfur by, at a minimum, allowing all Darfurians, including internally displaced persons and refugees, to participate in the Darfur political process freely and without fear of harassment.

V. Enabling environment for the Darfur political process

A. Civil and political rights

21. As noted by the African Union Peace and Security Council, the Darfur political process must take place in an environment that guarantees its credibility and ensures the civil and political rights of participants so that they can exercise their views without fear of retribution; freedom of speech and assembly to permit open consultations; freedom of movement of participants and UNAMID; and proportional participation of Darfurians. At their 18 February meeting, the Joint Special Representative and special envoys further defined these conditions to include freedom from harassment, arbitrary arrest and intimidation and freedom from interference by the Government or armed movements.

22. The Government has indicated to the Joint Special Representative and the African Union High-level Implementation Panel that it fully agrees that such an enabling environment is necessary to guarantee the credibility of the Darfur political process. At his meeting with the Joint Special Representative on 21 March, the President of the Sudan confirmed that his Government intended to not only suspend

the emergency laws in Darfur but to abolish them altogether in order to facilitate the Darfur political process and other political efforts geared towards an inclusive and comprehensive political solution to the Darfur conflict.

23. The abrogation of emergency law will represent a significant step not only towards establishing an enabling environment for the Darfur political process, but ending the conflict in Darfur. By abrogating emergency law, the Government will commit to guaranteeing the civil and political rights of all the people of Darfur, not only those participating in the process. This means that the Government, especially its security, military and intelligence bodies, will have to take concrete action to guarantee that freedom and protection are extended to the civilian population in Darfur, in order to fully participate in the political process, without hindrance or limitations. UNAMID and the African Union High-level Implementation Panel intend to work with the Government towards the establishment of a mechanism to address violations of the enabling environment for the Darfur political process, including the conditions related to the political and civil rights of the participants as guaranteed through the abrogation of the emergency laws and free access for UNAMID and African Union High-level Implementation Panel personnel in carrying out their Darfur political process-related activities in Darfur.

B. Security situation

24. In addition to the protection of the civil and political rights of Darfur political process participants and other enabling conditions noted above, the security situation, including military activity and banditry, must also be taken into account to ensure that the process can be launched in conditions of safety and without interruption. It cannot be assumed that hostilities will be fully halted by the time the process is to commence. UNAMID is working to mitigate these risks by, among other things, calling upon the parties to cease hostilities, urging international actors to pressure the parties to cease fighting, and conducting robust security patrols in and around areas affected by conflict. The continued robust engagement of UNAMID and international partners will be required to ensure that the Government forces and the armed movements take responsibility for facilitating the security of the process and the safety of its participants.

25. It should be noted that since its establishment, UNAMID has conducted activities similar to those under the Darfur political process that will help to promote the process, including the facilitation of dialogue among Darfuri stakeholders. These activities include the UNAMID-led Darfur-Darfur Dialogue and Consultation and workshops on peace process issues attended by representatives from various stakeholder groups. UNAMID has often encountered restrictions in facilitating such activities; however, since the Government agreed, in a meeting with UNAMID and the African Union High-level Implementation Panel in December 2010, to facilitate the enabling conditions for the process, no such restrictions have been encountered. Recent activities include some 17 workshops and consultations on conflict resolution and reconciliation, justice and accountability, consultations within the Darfur-Darfur Dialogue and Consultation forum to re-establish permanent traditional (*ajaweed*) conflict resolution mechanisms, the outcomes of the second Doha civil society conference and issues related to women and conflict. These activities involved representatives from many of the same stakeholder groups that are expected to participate in the Darfur political process.

VI. Observations and recommendations

26. The Darfur peace negotiations, which started in Abéché, Chad, in September 2003, have gone on for too long. The war-affected people of Darfur — torn from their homes and families, living in makeshift dwellings, dependent on aid groups for sustenance, uprooted by renewed conflict and suffering the loss of loved ones — deserve more from the Government and the armed movements, which claim to represent their interests, than delays and round after round of peace negotiations despite the sustained efforts of the mediators. Responsibility for the failure or eventual success of the negotiations lies squarely with the armed movements and the Government.

27. Although the parties' responsibility to halt hostilities immediately and resolve the conflict is an important issue, the main subject of the present report is the enabling environment of the Darfur political process and its sequencing vis-à-vis the Doha peace negotiations.

28. I am concerned that the international community has shown signs of division around supporting the negotiation process in Doha and the inclination to begin the Darfur political process with or without a negotiated outcome. I understand the frustration of some regarding the negotiation process, as it has gone on for too long. I also understand the claim that the parties are not truly interested in a comprehensive and inclusive peace, since, thus far, they have failed to live up to their responsibility to the people of Darfur to create a chance for peace. I comprehend the view of others that conditions on the ground do not allow for a free and fair consultative process, given the state of emergency, arbitrary detentions, restrictions on the exercise of civil and political rights and ongoing conflict, including aerial bombardments.

29. The international community must speak with one voice and join together in supporting one road map towards peace in Darfur. I commend it for having supported the parties to the Comprehensive Peace Agreement, the United Nations Mission in the Sudan (UNMIS) and the African Union High-level Implementation Panel in holding the referendum. I call on the international community to take action in showing the same robust, dedicated support for the parties to the Darfur peace process and the facilitators in reaching a comprehensive and inclusive agreement as soon as possible.

30. In regard to the enabling environment, I commend the Government of the Sudan for its decision to abrogate the state of emergency. I call on the Government to lift emergency law immediately and to make every effort to ensure that it fully exercises its sovereign responsibility to protect and promote the civil and political rights of the people of Darfur, including the participants in the Darfur political process. I have full faith that it will live up to its commitment and call on it to work with UNAMID and the Panel in establishing a mechanism to address any violation of the rights of the participants in the process.

31. I take this opportunity to express my full agreement with the call of the African Union Peace and Security Council, in its 8 April communiqué to the Government of the Sudan and other stakeholders to implement the recommendations of the report of the African Union High-level Panel on Darfur, in particular in the fields of justice, reconciliation and security, and thereby strengthen the rule of law and the protection of human rights.

32. As noted in the present report, the enabling environment for the Darfur political process is related not only to the protection and promotion of the civil and political rights of its participants, but also to their safety and security. The current military situation in Darfur undermines trust and confidence in the Government and contributes to scepticism among the general population about its willingness to establish an enabling environment for the process. I call on the Government and the armed movements to halt all hostilities immediately, not only for the process, but also for the security of all the people of Darfur, and to promote the overall conditions for peace.

33. While I take note of the Government's positive action to facilitate Darfur political process-related activities in the past several months without restrictions, I must also take note of the continued restrictions on access by humanitarian and United Nations personnel in Darfur. Recognizing that hostilities may not be halted by the commencement of the Darfur political process, the Government and the armed movements must nevertheless enable it by ensuring the full freedom of movement of UNAMID, African Union High-level Implementation Panel and humanitarian personnel throughout the entire process. I remind the Government and the armed movements that, ideally, freedom of movement should remain a permanent condition of United Nations and humanitarian work in Darfur.

34. I also call on the armed movements to place their trust in the United Nations and the African Union to mediate a comprehensive and inclusive agreement in Doha and to work towards putting in place the enabling conditions for the Darfur political process described in this report. I am aware that the Justice and Equality Movement and the Liberation and Justice Movement are currently in Doha and call on them and the Government to finalize a peace agreement in good time. I call on Abdul Wahid to join the process and on Minni Minawi to reconcile with the Government and rejoin the search for peace.

35. In addition to the enabling environment of the Darfur political process, the question of its complementarity and sequencing vis-à-vis the peace negotiations in Doha remains outstanding. These are not incompatible processes. It is well known that comprehensive negotiations with the armed movements must take place through a fully impartial mediation process. Since the parties have yet to give up the military option, these negotiations must take place outside of Darfur. I commend the significant support provided by the Government of Qatar in that regard. It is also well known that, for peace to be sustained in the long term, the people of Darfur must support the agreements, take part in the process and be fully involved in the implementation of its outcomes. In addition to the Darfur Stakeholders Conference, the Darfur political process provides an opportunity for the broad-based and sustained involvement of the people of Darfur in the peace process.

36. I agree with the view expressed by the African Union Peace and Security Council that the Darfur conflict has to be addressed in the national context. I underline the necessity of resolving the conflict so that, like all Sudanese, the people of Darfur may be fully involved in building a solid and pluralist national political dispensation as the country moves forward in the post-Comprehensive Peace Agreement interim period.

37. On the issue of sequencing, I maintain that a timely outcome of the negotiations in Doha should form the basis of the Darfur political process and that the process should provide a forum to build and deepen indigenous support for the

Doha outcome, enhance it as necessary and create momentum for its implementation. At the same time, I understand the need to find a resolution to the conflict in Darfur within a reasonable time frame. I therefore call on all concerned, in particular the Government of the Sudan and the armed movements, with the support of international partners, to make every effort to ensure that the Darfur Stakeholders Conference, which will be held in Doha from 28 April to 3 May, is successful and that it results in an agreement/framework for Darfur.

38. I hope and expect that, in the meantime, the Government and the armed movements will take the decisions and actions necessary to establish the conditions for the enabling environment for the Darfur political process as set out in the present report.

39. To that end, I have requested the Joint Special Representative for UNAMID to provide full support for the Darfur Stakeholders Conference, while continuing to work with the African Union High-level Implementation Panel and the Government towards the creation of the enabling environment for the Darfur political process and to initiate the necessary consultations on the ground with concerned stakeholders on the commencement of the process, pending the outcome of the Doha negotiations.

40. Flexibility to take advantage of opportunities and avoid pitfalls is required in any peace process. With this in mind, I have instructed my Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, to maintain close contact with the Joint Special Representative, the Joint Chief Mediator, the African Union High-level Implementation Panel and the African Union in the implementation of the above steps and to recommend to me any needed adjustments. I will keep the Security Council closely advised of progress and will recommend any changes in the way forward that may be necessary. In the meantime, I encourage the Security Council to provide its full support to the approach outlined in the present report and to make every effort to bring the international community together to speak with one voice and provide full support to the parties, including the Government and the armed movements, to realize a negotiated peace in Darfur through the Doha process in the short term, as well as to support the involvement of the people of Darfur in the political process through the Darfur political process in the medium term, and to support the full implementation of any and all agreements towards sustainable peace in the long term.

41. In closing, I reiterate my full support for the work of the Joint Chief Mediator, Djibril Bassolé, and commend him and his team for their tireless efforts to facilitate a negotiated, comprehensive and inclusive agreement on the conflict in Darfur. I thank the Government of Qatar once again for its unfailing support to this process. I thank the Joint Special Representative for UNAMID, Ibrahim Gambari, and all the women and men of UNAMID for their commitment and sacrifice, all too often under life-threatening conditions, to bring peace to the people of Darfur. I have encouraged the Joint Special Representative and the Joint Chief Mediator to continue to work in a fully transparent and consultative manner with the African Union High-level Implementation Panel on these matters. I also thank and commend the Panel and its chairperson, former President Thabo Mbeki, for its work and achievements in helping the Sudanese people to achieve peace.

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Identical letters dated 15 April 2011 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

I have the honour to enclose herewith a letter from Ali Akbar Salehi, Minister for Foreign Affairs of the Islamic Republic of Iran, addressed to the Secretary-General concerning the situation in Bahrain (see annex).

It would be appreciated if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 68, and of the Security Council.

(*Signed*) Eshagh Al Habib
Ambassador
Chargé d'affaires a.i.

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Annex to the identical letters dated 15 April 2011 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

The ongoing situation in the Kingdom of Bahrain is the source of deepest concern for the people and Government of the Islamic Republic of Iran. As my country is situated in the immediate vicinity of Bahrain, and has enjoyed age-old and deep historical and cultural affinities with its people, we cannot remain indifferent to a condition that may get out of hand and lead towards the destabilization of the whole Persian Gulf area, with impact on the wider Middle Eastern region and beyond.

A series of regrettable developments in Bahrain, referred to briefly hereunder, explain the deep concern felt in my country:

- Reports from different sources indicate that the people of Bahrain, in their peaceful uprising, since mid-February, have focused on such legitimate demands as political reform, political participation, greater respect for human rights in the country, the liberation of political prisoners, the end to apartheid-like discrimination and the right to elect their parliamentary representatives and government. It is very unfortunate that repression and a crackdown were the responses to their peaceful expression of their social and political aspirations. As a result, unarmed civilian demonstrators were shot at close range and many went missing, private homes were broken into, the country's largest hospital was besieged and medical staff, including ambulance workers, were beaten, thus putting the right to life on hold.

- The main concern lies in the measures adopted and implemented that are indicative of a policy of suppression in place in Bahrain. The foreign military intervention in Bahrain has only taken place to strengthen the Government's hands in repressing the popular legitimate demands. We strongly believe that the policy of suppression is never the right answer, especially in a situation where people have risen up to demand their basic rights. Quite to the contrary, suppression may exacerbate the situation and bring the society to the boiling point.

- It is unfortunate that a policy of suppression is unfolding in Bahrain under the eyes of the United Nations Security Council and that the big Powers have chosen to stay aside and are reluctant to take any action, or, at the least, to condemn the violence against peaceful civilians. Does this indicate that, as elsewhere, good allies may always have greater scope in terms of violence, and, when perceived interests are at stake, siding with autocrats and forfeiting much publicized "values" may be put on hold?

- Seizing this opportunity, I would like to categorically reject the desperate attempts by the Bahraini authorities, who seek to implicate my Government in a situation that is only the result of their own miscalculations and missteps. While friendship and affinities between the Iranians and Bahrainis are well rooted in their long and mostly common history, the latter, as every other people, do not need inspiration from abroad to embark on a movement seeking

to acquire their basic rights. Moreover, no accusations can erase the fact that unarmed protesters are subject to human rights violations.

As there is no military solution to the problems in Bahrain and the foreign military intervention against a domestic peaceful movement would sooner or later exacerbate the situation, my Government condemns the resort to violence against peaceful civilians and asks for the withdrawal of foreign forces from Bahrain. In the meantime, I would like to request the United Nations, especially the Security Council, to fulfil its obligations, with a view to requiring the authorities of Bahrain and those of the intervening military forces to refrain from violence against peaceful civilians, to have the Bahraini Government treat all Bahrainis in a fair way, with respect and human dignity, and to resolve problems in the country through political dialogue.

At the same time, the international community needs to take pains to show respect for the wishes of the overwhelming majority of the Bahrainis and do whatever is in its power to help address their legitimate aspirations. While endeavouring to require Bahrain's authorities to fulfil their international legal obligations, it should not allow steps that may lead towards alienating the Bahrainis.

(*Signed*) Ali Akbar **Salehi**
Minister for Foreign Affairs of the Islamic Republic of Iran